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COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
SUSTAINABILITY AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

TUESDAY, AUGUST 9, 2005
10:00 A.M.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosario Marin, Chair

Ms. Cheryl Peace

Mr. Carl Washington

STAFF

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Ms. Jeannine Bakulich, Executive Assistant

Mr. Elliot Block, Staff Counsel

Ms. Deborah Borzelleri, Staff Counsel

Ms. Rebecca Brown, Staff

Ms. Bonnie Bruce, Board Advisor, Chief Deputy Directors
Office

Ms. Kaora Cruz, Supervisor, South Section

Ms. Kathy Davis, Staff

Mr. John Duke, Staff

Mr. Tom Estes, Deputy Director, Administration & Finance
Division

Ms. Marshalle Graham, Staff

Ms. Terri Gray, Staff

Ms. Sue Ingle, Staff

Mr. Jim La Tanner, Supervisor, Loan Program

Mr. Mike Leason, Supervisor, Plastic Recycling Technologies

Ms. Nikki Mizwinski, Staff

APPEARANCES CONTINUED

STAFF

Mr. Phil Moralez, Branch Manager, State and Local Assistance Branch

Ms. Cara Morgan, Branch Manager, Office of Local Assistance

Mr. Bill Orr, Branch Manager, Recycling Technologies

Mr. Kyle Pogue, Staff

Mr. Pat Schiavo, Deputy Director

Mr. Steve Sorelle, Supervisor, Office of Local Assistance, North Section

Ms. Melissa Vargas, Staff

Ms. Joanne Vorhies, Assistant Director, Office of Education and the Environment

Ms. Patty Wohl, Deputy Director

ALSO PRESENT

Mr. Bill Bartels, City of Fillmore

Ms. Ester Beatty, City of Oceanside

Mr. Gordan Beers, Palo Verde Disposal Service

Mr. Steve Brown, Director of Neighborhood Services, City of Coachella

Mr. Paul Cayler, Deputy Director of Transportation, County of Mendocino

Mr. Tim Chapa, Deputy Public Works Director, City of Sanger

Ms. Susan Collins, City of Imperial Beach

APPEARANCES CONTINUED

ALSO PRESENT

Mr. John Davis, City of San Bernardino

Mr. Frank Farrell, Stockton Chamber of Commerce

Mr. Eduardo Garcia, COUNCIL MEMBER, City of Coachella

Mr. Mike Glasson, Burtec, City of Yucaipa

Ms. Laurie Hanson, Pactiv Corporation

Ms. Tracy Harper, Nevada County

Ms. Phelicia Haslem, City of Oroville

Ms. Kristen Haynie, California Association of Professional Scientists

Mr. Kenneth Hinett, Pactiv Corporation

Mr. Steve Johnson, City of Soledad

Mr. Steve Jones, Waste Management

Ms. Barbara Kraber, City of Lemon Grove

Ms. Bonnie Low, Solid Waste Supervisor, City of Redding

Mr. Jack Macy, City and County of San Francisco

Ms. Lori Mercado, Administrator, Consolidated Waste Management Authority

Ms. Laurie Nelson, Glad

Mr. Carl Peters, City of Oroville

Mr. Pete Price, Poly-America

Ms. Phyllis Ruse, Deputy Director of Community Services, Temecula

Mr. Jerry Santilan, City Manager, City of Coachella

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APPEARANCES CONTINUED

ALSO PRESENT

Ms. Monique Sikich, Staff

Mr. Scott Smithline, Californians Against Waste

Mr. Michael Sweeney, Mendocino Solid Waste Management

Mr. Stan Warshaw, Desert Solutions, Inc.

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1 PROCEEDINGS

2 CHAIRPERSON MARIN: We're going to start now. I
3 understand Mr. Washington is joining us in a few seconds,
4 but it's 10:00, and we're going to call the roll.

5 EXECUTIVE ASSISTANT BAKULICH: Peace?

6 COMMITTEE MEMBER PEACE: Here.

7 EXECUTIVE ASSISTANT BAKULICH: Marin?

8 CHAIRPERSON MARIN: Here.

9 Welcome to the Sustainability and Market
10 Development Committee of the California Integrated Waste
11 Management Board. We have a very, very good agenda today.
12 We have a lot of entities, quite a few cities. And we're
13 really looking forward to hearing from you and what your
14 programs are going to be and what you're going to do. So
15 we're very, very excited about that.

16 Before we -- I thought Mr. Washington was coming.
17 Let me ask everybody to turn off your cell phones or put
18 them on meeting mode. For people that wish to address the
19 Committee, there are speaker slips in the back. And if
20 you give them to our wonderful Committee Secretary,
21 Jeannine, she will make sure that I get them as we're
22 dealing with the agenda.

23 And in addition to that, we have a special
24 request. We will deal with Item Number 24 when that
25 person arrives. So that's the only thing we're going to

1 take out of order.

2 When he comes in, I'll ask for ex partes. Do you
3 have any ex partes?

4 COMMITTEE MEMBER PEACE: I'm up to date.

5 CHAIRPERSON MARIN: Okay. And so am I. Good.

6 Is he here? Oh, Mr. Washington is here. Do you
7 have any ex partes?

8 COMMITTEE MEMBER WASHINGTON: You have eyes
9 behind your head.

10 No. I'm up to date.

11 CHAIRPERSON MARIN: Well, you're watching my
12 back, right?

13 Okay. Mr. Schiavo.

14 DEPUTY DIRECTOR SCHIAVO: Good morning.

15 Pat Schiavo, Diversion, Planning, and Local
16 Assistance Diversion. I'll give a brief report. We have
17 a lot of items today.

18 First of all, staff from DPLA with Markets
19 Division and the Office of Public Affairs was down at the
20 X Games promoting zero waste. There's about 20,000 people
21 that attended both days, and it seemed to go very
22 successfully.

23 One of the favorite premiums was our "X the
24 Waste" little tattoo, which the kids loved. I'm sure the
25 parent weren't real excited about. But it went across

1 really well. But the event was very successful. We had
2 good coordination with all our staff.

3 Upcoming in October, October 1st, we have our
4 Best Buddies event, which went really well where we had
5 over 75 percent diversion last year. We're going to try
6 to exceed that this year. We're starting our coordination
7 with that.

8 A bigger event, October 27th, the Women's
9 Conference, we've been coordinating that with the
10 Governor's Office, as well as contractors, staff from the
11 Long Beach facility, and disposal, as well as the City.
12 That's a big event we've been working on, and we have high
13 expectations for that.

14 October 30th, in Sacramento and -- sorry. I'm
15 jumping ahead already. August 30th and 31st, we're going
16 to have workshops that deal with alternative measurement.
17 And then based on that and comments we receive back from
18 participants and those who could not attend, we're going
19 to go ahead and bring forward a Board item in October.
20 And then we'll complete a report and submit that over to
21 the Legislature regarding the outcome.

22 So that completes my report. Any questions?

23 CHAIRPERSON MARIN: I don't know that I have
24 questions, but I will tell you that my two kids came home
25 with their X, and I had not told them anything, their

1 tattoo. And my daughter comes in and says, "Mom, look at
2 this, x waste." And she was so impressed, all of this
3 activity. She said -- it's a private joke that we have.

4 She said that she was telling her friends she was
5 with, "Oh, my mom will love this. You know, she's into
6 recycling and there's so much recycling activity here.
7 She would love it." I'm like, "Yeah, I know a little bit
8 about the fact we were going to try to do that." But they
9 were very impressed.

10 And, yes, it was a huge hit, all the recycling
11 activity that took place with young people. That's what
12 it was. It was for young people. So that was very good.

13 You wanted to say something. No? I thought you
14 did.

15 COMMITTEE MEMBER PEACE: I was just wondering
16 what the pink --

17 CHAIRPERSON MARIN: The pink and white ribbon.
18 Well, Pat Schiavo didn't wear anything pink yesterday from
19 Executive staff. Everybody was wearing, so now he's being
20 punished, and he has to wear that all day today.

21 (Laughter)

22 CHAIRPERSON MARIN: They celebrated my birthday
23 yesterday. So thank you, Pat. I thought you were going
24 to put it on your hair.

25 DEPUTY DIRECTOR SCHIAVO: No. I have my limits.

1 CHAIRPERSON MARIN: You can continue with -- your
2 report is over?

3 DEPUTY DIRECTOR SCHIAVO: Yeah.

4 CHAIRPERSON MARIN: Okay. All right. So you
5 want to go with Item Number 3, which is Agenda Item Number
6 3.

7 DEPUTY DIRECTOR SCHIAVO: Yes, apparently Jack
8 Macy is here now, if you want to go with San Francisco.

9 CHAIRPERSON MARIN: He's here already? There he
10 is.

11 DEPUTY DIRECTOR SCHIAVO: So Item W, which will
12 be presented by -- or in the packet is to be presented by
13 Kathy Davis. And this is Consideration of the Five-Year
14 Review Report for the Countywide Integrated Waste
15 Management Plan for the City and County of San Francisco.

16 CHAIRPERSON MARIN: Thank you for being here.

17 MR. MACY: Good morning, Chair and Board members.
18 It's a pleasure to be here.

19 MS. DAVIS: Good morning. The City and County of
20 San Francisco completed its five-year review of the
21 Countywide Integrated Waste Management Plan and determined
22 that a revision of their plan was not necessary at this
23 time. Board staff has evaluated San Francisco's review
24 report and determined the required elements have been
25 addressed. Therefore, it is staff's recommendation that

1 the Board approve the City and County of San Francisco's
2 assessment that no revision is necessary.

3 This concludes my presentation. Thank you.

4 CHAIRPERSON MARIN: That was very fast. I don't
5 know if there are any questions. Are there any questions
6 for the City of San Francisco?

7 Ms. Peace.

8 COMMITTEE MEMBER PEACE: Is that correct that the
9 diversion rate is 67 percent?

10 MR. MACY: For 2003, yes.

11 COMMITTEE MEMBER PEACE: Good job. I don't have
12 any questions.

13 CHAIRPERSON MARIN: I don't have a question. But
14 since you traveled so far --

15 MR. MACY: Please ask a question.

16 CHAIRPERSON MARIN: More than a question is, you
17 know, I have gone around the state promoting the
18 incredible success that the City of San Francisco has
19 achieved and mostly the attitude that it seems to permeate
20 in the entire City Hall about recycling and, therefore,
21 your success.

22 I don't know whether you have been talking to
23 other people. We use you as a resource, because it is
24 pretty amazing. And I just wanted to hear from you why do
25 you think you guys have achieved such significant amounts,

1 67 percent, probably more. I know you have your goal set
2 for 75 in four more years. You should be on track to
3 achieve that, and then your goal by 2020.

4 MR. MACY: Zero waste.

5 CHAIRPERSON MARIN: Zero waste. Can you just
6 spend a couple of minutes on that?

7 MR. MACY: Okay. Well, I think that we have good
8 political support. Both we have an Environmental
9 Commission that is very progressive forward leaning, and
10 also a Board of Supervisors that are very supportive. And
11 I think that we also have a good service provider, Norcal
12 Waste Systems, our exclusive permitted hauler.

13 And one of the things we've done, for example, in
14 the last five years is been able to institutionalize
15 increased diversion incentive for Norcal. They actually
16 get a higher profit rate if they achieve tonnage diversion
17 goals. And that was based on achieving 50 percent and
18 beyond. And we're actually looking at, you know,
19 improving that for the next five years. Starting a year
20 from now, we'll have new rates. It's pay as you throw at
21 the residential and commercial level.

22 And so incentivizing our primary service provider
23 as well as incentivizing participants in the program, both
24 residents who pay for their trash and businesses, I think
25 is really key, and working to keep the programs simple and

1 clear and doing good outreach, multi-lingual training and
2 outreach. So I think it's just the partnerships we've
3 been able to create with the service provider, the support
4 we have.

5 As you know, we've gone after our food
6 aggressively, because we didn't have a lot of yard
7 trimmings. We've gone after C&D aggressively, and we
8 actually had a C&D ordinance for mandatory recycling.
9 Everything is voluntary so far. That's been introduced at
10 the Board of Supervisors and hopefully passed shortly.
11 And, you know, setting aggressive goals. So I think we're
12 fortunate to be able to help make it happen. But we know
13 it will be a lot of hard work to get to our future goals,
14 certainly.

15 CHAIRPERSON MARIN: Well, we really appreciate
16 that and your effort. Did you want to --

17 COMMITTEE MEMBER PEACE: It's such a wonderful
18 model for the whole state.

19 MR. MACY: Thank you.

20 CHAIRPERSON MARIN: I hope you feel your trip was
21 well worth it.

22 MR. MACY: Well, it's nice to get out of
23 San Francisco and nice to see you again.

24 CHAIRPERSON MARIN: Thank you so very much.

25 MR. MACY: We welcome all the Board members to

1 come down and visit. It was great to have you visiting
2 us. And thank you for participating in World Environment
3 Day, and encourage other Board members. Maybe we can have
4 a Board meeting down there some day.

5 CHAIRPERSON MARIN: Oh, I like that. What kind
6 of food will you have? No. I'm kidding.

7 MR. MACY: Nothing but the best.

8 COMMITTEE MEMBER WASHINGTON: If we can go to
9 Pier 39, I'll come.

10 MR. MACY: Okay.

11 CHAIRPERSON MARIN: Don't pay any attention to
12 him.

13 MR. MACY: We have Pier 39 in the Composting
14 Program, so we go kosher now. They have to be in the
15 program, otherwise they can't participate.

16 CHAIRPERSON MARIN: Jack, thank you so very much.
17 Is there a motion?

18 COMMITTEE MEMBER WASHINGTON: Madam Chair, I'd
19 like to move adoption of Resolution 2005-126.

20 COMMITTEE MEMBER PEACE: 216.

21 COMMITTEE MEMBER WASHINGTON: 216.

22 COMMITTEE MEMBER PEACE: Second.

23 CHAIRPERSON MARIN: Moved and seconded,
24 Washington and Peace.

25 Call the roll, please.

1 EXECUTIVE ASSISTANT BAKULICH: Peace?

2 COMMITTEE MEMBER PEACE: Aye.

3 EXECUTIVE ASSISTANT BAKULICH: Washington?

4 COMMITTEE MEMBER WASHINGTON: Aye.

5 EXECUTIVE ASSISTANT BAKULICH: Marin?

6 CHAIRPERSON MARIN: Aye.

7 Thank you, Jack.

8 This should go on consent.

9 DEPUTY DIRECTOR SCHIAVO: Board Item 3 or

10 Committee B is planned to be heard by the full Board next
11 week in Santa Rosa.

12 And that takes us to our next item which is Board
13 Item 4 or Committee Item C being presented by Kyle Pogue.
14 And this is Consideration of a Second SB1066 Alternative
15 Diversion Requirement Application by the Unincorporated
16 Area of Nevada County.

17 MR. POGUE: Good morning, Madam Chair and
18 Committee members. Kyle Pogue with the Office of Local
19 Assistance.

20 Nevada County has submitted a second SB1066
21 document in the form of an Alternative Diversion
22 Requirement, ADR, through December 31st, 2005. This
23 County's first time extension has ended. And despite
24 County staff's efforts to meet the time lines in the first
25 Plan of Correction, they will need additional time to

1 implement programs.

2 Staff's analysis of this request is that it is
3 reasonable, given the barriers the County has faced.
4 Board staff has determined the information submitted in
5 this application has been adequately documented and
6 recommends the Board approve the time extension request
7 for the County.

8 Representatives from the County, Tracy Harper and
9 Steve Porter, are available to answer any questions you
10 may have. And additionally, Mr. Steve Jones from Waste
11 Management is available, too.

12 This concludes my presentation. Thank you.

13 CHAIRPERSON MARIN: Thank you, Mr. Pogue.

14 Is Tracy Harper here?

15 Hi, Tracy. How are you?

16 MS. HARPER: Good morning.

17 CHAIRPERSON MARIN: Thank you so much for being
18 here and making the small trip. How many hours was that?

19 MS. HARPER: It's only about an hour and 15
20 minutes. And I'm just thankful I don't have to do it
21 every day now. I'm happy to be in Nevada County where I
22 live.

23 CHAIRPERSON MARIN: Good.

24 I know that if we just look at the numbers, at
25 one point in time you were at 43 percent, and it's been

1 going down. Can you explain to us why in 2000 you were at
2 43 and in 2003 you're at 30?

3 I've visited your county. I'm familiar with some
4 of it. But for the enlightenment of my Committee members,
5 would you please explain to us why that is the case?

6 MS. HARPER: Sure. With a little help from Kyle
7 probably, because in all honestly, we're not exactly
8 positive why that is the case.

9 I came to the county in fall of 2001. And since
10 that time, we've really set out an aggressive
11 implementation schedule. And we have hired staff and are
12 hiring more and implementing a wide array of programs that
13 are quite comprehensive.

14 We did do a new base year for the year 2000 that
15 got us at the 43 percent. But as you indicated, it has
16 gone down. We believe there's a number of reasons for
17 this. One is that in Nevada County most -- or not most,
18 but quite a few people leave the county to go purchase
19 materials or goods in Roseville and other places. We
20 don't have big box stores in Nevada County. Also, I think
21 it's upwards of 30 to 40 percent of our workforce leaves
22 the county to go to work. We do have quite a few second
23 homes, so we're not sure if the population factor is
24 taking that into consideration as well. So it has been,
25 quite honestly, very disconcerting to have that number go

1 down as we use the adjustment method.

2 We do know, however, that if we did a waste
3 generation study, we're pretty confident our number would
4 be much higher. And I think our discussions with the
5 Waste Board staff, they've agreed as well.

6 We would like to not have to do waste generation
7 studies every year in order to have our number more
8 accurately reflect the effort that we're going through.
9 But quite honestly, we are probably going to be doing that
10 probably in the '07 year after our construction/demolition
11 infrastructure is fully in place to get a better gauge of
12 how it's going, as well as to do waste characterization
13 study at our transfer station.

14 But at this point in time, we are a smaller
15 jurisdiction. It would take a lot of time. We went
16 through this once already. And probably upwards of 20 to
17 \$30,000 to do a waste generation study to get a better
18 more accurate number. And that really honestly comes out
19 of my time that it would take to implement new programs.

20 We actually started to go down that path with a
21 hired consultant, and it really got to the point where I
22 could either go through this list of things and gather
23 data for the consultant, or I could implement programs.
24 And we decided to stop the waste generation study and
25 instead implement programs at that time. But I think we

1 will probably do that in the year '07.

2 CHAIRPERSON MARIN: It is a challenge for our
3 Committee, and I know there's a number of jurisdictions
4 that are facing very similar situations. And hopefully as
5 we look at the opportunity to revise our method, you know,
6 our alternative method, that maybe some of these counties
7 will be done justice.

8 It must be very frustrating, you know, because
9 you are implementing. And as I remember when I visited
10 your county, you have excellent programs. And the fact
11 that no matter what they do, the trend is going down. It
12 must be very frustrating. I've visited enough counties to
13 appreciate the fact that they're doing everything they
14 can, you know, and the numbers just do not represent that.

15 So it's very, very frustrating for us as well.
16 Because, you know, the people in the Legislature will just
17 look at the numbers and say, "What is wrong with this
18 county?"

19 MS. HARPER: And quite honestly, the reason we'll
20 probably do a waste generation study is two fold. One of
21 which, of course, is to let you know in a more accurate
22 fashion what our diversion rate is. But also because when
23 the number comes out and it's continuing to trend
24 downward, it really erodes the basis of support that we
25 have for our program. So that's why we actually started

1 down that path to do a generation study and then realized
2 we honestly didn't have the time to do it if we were going
3 to implement our programs that we committed to in our Plan
4 of Correction. It was just going to take too much time.

5 So we really -- in our county when people ask
6 about the number, we kind of do a side step and talk about
7 our programs and how comprehensive our program is and how
8 we would really like to get the participation rates up for
9 all of the programs. So it would be nice, though, to come
10 out with a system that could acknowledge the program
11 implementation that we have and somewhat not focus as much
12 on that number. That would just be helpful for us.

13 CHAIRPERSON MARIN: You know, Tracy, the
14 challenge for all of us -- and I know that many of you out
15 there are experiencing a similar situation. And I'll just
16 say it once. The challenge for us as a Board is that, you
17 know, the Legislature also looks at us by the numbers, you
18 know. And the reality is that we are measured, our
19 success is measured very clearly and directly to that
20 number. And whatever collectively all of the counties or
21 cities do, it reflects on the job of the Board.

22 Therefore, you know, our desire to somewhere,
23 somehow adjust, if you will, the way that we are measuring
24 the success of some of these programs -- because I know
25 for a fact in talking to a number of counties the absolute

1 frustration when the numbers come back. And, in fact, it
2 does have an effect of, why are we working so hard? So
3 it's actually a worse situation.

4 But I appreciate, staff assures me -- and I don't
5 know if I can trust Mr. Kyle Pogue. But he assures me
6 that you guys are doing everything that you can. You're
7 going to continue, and you're going to do a little bit
8 more. So we appreciate that.

9 I know that there are some questions that my
10 colleagues have. But what I'm saying right now to you is
11 I don't have to repeat it to everybody else that some are
12 facing the same situation.

13 Go ahead, Ms. Peace.

14 COMMITTEE MEMBER PEACE: When was your first
15 1066?

16 MS. HARPER: I believe our first 1066 was '02.
17 Is that correct, Kyle?

18 MR. POGUE: Yeah. I think that is a correct
19 date. And it ended at the end of '04.

20 MS. HARPER: Right.

21 COMMITTEE MEMBER PEACE: So it ended in '04. And
22 you're still only at 30 percent. And what really disturbs
23 me, of that 30 percent, 10 percent is biomass. So you're
24 really only at 20 percent diversion.

25 And, yeah, you mentioned some things that you're

1 having trouble with. Maybe people shopping out of the
2 county or a lot of second homes. There's jurisdictions
3 all over the state that have those same problems.

4 Let me ask you a few questions here. Do you have
5 mandatory curbside green waste collection?

6 MS. HARPER: No, we don't. We have a
7 subscription service for our green waste.

8 COMMITTEE MEMBER PEACE: Do you have curbside
9 recycling?

10 MS. HARPER: We do have curbside recycling.

11 COMMITTEE MEMBER PEACE: Is it mandatory?

12 MS. HARPER: No, it is not. It comes free with
13 service.

14 If I can speak to that. In terms of green waste,
15 we have a lot of large acreage and lots of folks that do
16 composting. So we have an integrated organics program
17 where we hired on the U.C. Master Gardeners to do the
18 master composting program. We also have a demonstration
19 garden at the Administration Center where we show folks
20 how to compost in a variety of methods as well as using
21 worms. And we also have what we call the Larger Acreage
22 On-Site Composting Program, and that's where we've hired a
23 consultant, Marnie Blair, who implemented the program for
24 San Francisco at the Presidio. And free of charge, she
25 goes out and does one-on-one consultations with -- whether

1 it's a homeowner or winery or whatever agricultural
2 interest they might have, she engages them and helps them
3 to start a composting program.

4 We have NevCo Max. We're about the first
5 jurisdiction to partner with the Waste Board with a
6 CalMAX-like program. And one of the ways we really use
7 that is for, oddly enough, it's called a manure exchange.
8 And that accounts for quite a bit of tonnage. So what we
9 try to do is partner up the generators, if you will, of
10 the manure, whether they're large equestrian facilities or
11 what have you, and partner them up with folks who are
12 composting and use it. We have quite a few organic
13 farmers in our area. So while we don't have a mandatory
14 curbside green waste collection program, we feel we have a
15 very strong organics program in our community.

16 COMMITTEE MEMBER PEACE: It says here you have
17 your McCourtney Road Transfer Station is going to be
18 redesigned to improve the traffic flow. So when is that
19 planned to be redesigned?

20 MS. HARPER: We're working on the redesign this
21 winter. We've been working on it for probably six months
22 or so. We have certain construction seasons in Nevada
23 County. We do get snow and quite a bit of rain. So we
24 have a smaller window of opportunity to begin construction
25 and make sure we have all phases completed prior to the

1 weather. So we're finalizing our designs over this
2 winter, and we'll be doing that this spring, all the
3 improvements out there.

4 COMMITTEE MEMBER PEACE: This sounds like a lot
5 of your diversion is based on redesigning this transfer
6 station and having the green waste go there and C&D. I'm
7 just wondering if your first 1066 was in 2002, why just
8 now in 2005 you're redesigning this. Why wasn't that
9 thought of earlier?

10 MS. HARPER: Well, in fact, I know it can seem
11 somewhat puzzling. Although, to develop infrastructure
12 for a smaller county like ours, you know, we have to take
13 into consideration how much money it's going to cost to do
14 those things and do quite a lot of studies and analysis to
15 determine what the most effective way to divert this
16 material is.

17 And so we've actually gone through several
18 iterations to come to the conclusion that, in fact, we
19 should have a drop-off construction/demolition materials
20 area and then take that material to a permitted facility
21 that's actually outside of our county. We've debated
22 whether we should do it ourselves, whether we should ship
23 it, where we should take that material. And we are in
24 negotiations with the facility that will be hopefully
25 taking the material. And we are working with them since

1 they have the expertise in designing our C&D materials
2 drop-off area.

3 So we're feeling pretty confident at this point
4 this is really what's going to happen, that we are going
5 to be developing that. And it's very important for our
6 county, too. What we found through the waste
7 characterization study that actually your Board supported,
8 put the statewide waste characterization database
9 together -- we are fortunate enough to be chosen randomly
10 every time. So we're able to -- while it's not
11 100 percent statistically relevant, it is anecdotally at
12 least. We found out that we're around 27 to 32 percent
13 construction and demolition materials. So that's why
14 we're really focusing hard on those materials.

15 And also we work with our local Contractors
16 Association. One of the first things I did when I came to
17 the county is called them up and had lunch with the
18 executive director. And we've been partnering and talking
19 about this ever since. And she is an avid recycler.

20 So when we're talking about putting these
21 improvements in for the C&D alone, it's hundreds and
22 thousands of dollars. So we have to make sure that when
23 we answer to our Board, you know, why it's costing so much
24 money, that we've really done a complete and thorough
25 analysis. And our Waste Management hauler does have a

1 wood and cardboard recycling service available on site for
2 them as well.

3 And in Nevada County, unlike some other
4 jurisdictions, we don't have a lot of subdivisions. So
5 it's not as easy in terms of the economy of scale to get
6 at that C&D on site. We have a lot of custom home builds
7 in our area. So we're taking all that into consideration
8 when we're coming up with our infrastructure. And we're
9 also working with them to develop our C&D ordinance.

10 So we'd like to incentivize our contractors to
11 utilize the infrastructure once we get that in place. And
12 if they're not seeing the light, if you will, through the
13 incentives to recycle that material, then we're going to
14 come up with a backstop measure that will essentially
15 require their performance that they do go out and use
16 those facilities. We are the only facility in the area,
17 and we plan on, once this ordinance is adopted, to direct
18 the contractors to that area. They basically won't have
19 too much of a choice about what they do with their
20 materials at that point.

21 COMMITTEE MEMBER PEACE: When do you expect the
22 C&D ordinance to be implemented?

23 MS. HARPER: Once we issue the RFP and figure out
24 our construction schedule, then we will take the ordinance
25 to our Board of Supervisors so it's in place prior to the

1 infrastructure being on the ground. It will follow in
2 terms of all of our paperwork that we have to do to get
3 this going.

4 We've actually -- quite honestly, about
5 two-and-a-half or three years ago, I started the
6 ordinance. So we're actually pretty ready for it. It's
7 just a matter of making sure that the timing is going to
8 be appropriate.

9 And we do have the support of our Contractors
10 Association, which is very nice. So we're actually --

11 CHAIRPERSON MARIN: And unusual, actually.

12 MS. HARPER: Very unusual. And actually working
13 with their Board as well. And a lot of our big builders
14 up there are very excited about this, quite honestly.

15 CHAIRPERSON MARIN: When will that be adopted?

16 MS. HARPER: The ordinance should be adopted in
17 the spring. And that will be just ahead of the
18 infrastructure being available for them to use.

19 COMMITTEE MEMBER PEACE: You want to make sure
20 that the ordinance is in place so when your new facility
21 opens that it will already be in place?

22 MS. HARPER: Correct.

23 CHAIRPERSON MARIN: Any further questions?

24 Do you have any questions, Mr. Washington? No.

25 COMMITTEE MEMBER PEACE: I guess I'm just having

1 a really hard time with this. We put someone on a
2 Compliance Order last month that was doing better than
3 you.

4 CHAIRPERSON MARIN: Let me ask you this. Do you
5 have a rural exemption? You're considered rural?

6 MS. HARPER: Yes, we are. We're considered a
7 rural jurisdiction. So prior to applying for a Petition
8 for Reduction, we went this route. And, quite honestly, a
9 lot of the obstacles and barriers we're facing are because
10 we're rural.

11 DEPUTY DIRECTOR SCHIAVO: There is a big
12 difference from the jurisdiction last month in that the
13 issue with the jurisdiction last month had to do with the
14 lack of program implementation. Staff feels pretty
15 comfortable with what's been going on here in Nevada
16 County.

17 The issue with the numbers, over the last three
18 years, the disposal number in 2004 has decreased from
19 2003. But one of the problems we have with the existing
20 law is the numbers are published in 2003. You don't
21 realize what's happening until 2005. You have to react in
22 arrears.

23 In this particular case, in 2001, which they
24 wouldn't have known anything about until a year-and-a-half
25 ago, it looked like they were sitting pretty nicely. They

1 were doing a good job program implementation-wise,
2 according to staff who's been out in field with them and
3 having discussions. And all of a sudden you find out
4 we've dropped down to 32 percent. What are we going to
5 do? And they reacted pretty quickly by getting a 1066
6 application in place.

7 That's one of the perils of the rurals, is their
8 numbers are going to bounce around because of disposal
9 reporting issues as well as adjustment factors. As Tracy
10 mentioned, you don't have economies of scale when you put
11 programs in place, and it's a very expensive proposition.
12 So, again, the issues are different. They are doing a
13 good job programmatically.

14 COMMITTEE MEMBER PEACE: There's a lot of rural
15 counties that aren't this low, that aren't at 20 percent.

16 DEPUTY DIRECTOR SCHIAVO: But the Board has
17 approved jurisdictions as low as 13 percent diversion
18 because the program implementation was in place. But
19 because of the spiking, because the adjustment factors
20 don't take into account construction and demolition, which
21 is a huge piece of what's going on here, they're all
22 different.

23 COMMITTEE MEMBER PEACE: So when they say there's
24 no mandatory green waste recycling, there's no mandatory
25 curbside recycling, those aren't programs that you think

1 are important to have?

2 DEPUTY DIRECTOR SCHIAVO: It depends on the
3 situation. And in this particular situation, it's not
4 really suitable.

5 CHAIRPERSON MARIN: It has to do with the layout
6 and the geography of the place.

7 I'm going to take you with me to some of these
8 rural counties.

9 If you were to mandate -- it is possible that
10 there is a home here, and there is not another home for
11 another ten miles. So it's not like in an urban setting.

12 And, actually, Mr. Steve Jones, he's ready to
13 come in and jump in. He's a former colleague at the Board
14 level. And he's now in charge, and it's all your fault,
15 as I understand, that Nevada County is not doing as well
16 as they should.

17 All kidding aside, you might want to explain the
18 challenges for your company itself, why this doesn't make
19 sense.

20 MR. JONES: Thanks, Madam Chair and Board
21 members. Steve Jones, for the record, representing Waste
22 Management.

23 You're very right on some of our routing issues.
24 I mean, I went on a route -- believe it or not, I'm 55
25 years old and I'm throwing garbage every once in a while.

1 I had to go on a route 4th of July week. And 138 miles,
2 seven tons, and at least 60 percent of the homes that I
3 picked up had garbage at the curbside set out. Now, I
4 didn't pick up every house that we drove by, because
5 approximately 55 percent have subscription service.
6 Forty-five percent chose to do self-haul to the transfer
7 station. And it is a function of living in rural
8 California is that people almost take that on as an event
9 to take their stuff to the local transfer station.

10 But at the same time, the programs that are
11 instituted in Nevada County, two weekends ago, our
12 buy-back center at the transfer station, we burned through
13 \$1500 in two-and-a-half hours paying people for CRV type
14 materials to come to our facility. In two-and-a-half
15 hours, 1500 bucks. I mean, that is an amazing amount of
16 material to be brought in. And I ended up having to go
17 back and get more money for these guys so they could keep
18 operating for the rest of the day.

19 That shows in my mind that those self-haulers
20 that are going to the transfer station and bringing their
21 loads of waste, bringing yard waste, and also bringing
22 recycling are taking advantage of the infrastructure
23 that's in place. Because the way the county has it set up
24 is if they come in with a full truck, they can stop at our
25 facility first, do all of their recycling, all the paper

1 products, all the CRV material, steel, tin, aluminum, all
2 those types of materials, drop them off. Go to the yard
3 waste area, drop off their yard waste. And then go back
4 through and get weighed for how much garbage they're going
5 to pay for to dump at the transfer station. You see an
6 awful lot of vehicles doing that. They don't all do that.
7 I mean, they don't all do that. A lot of people just
8 drive in. They don't care what they throw away.

9 But the infrastructure is in place. And people
10 are recycling. And this County is working awfully hard to
11 make sure we continue to improve what we're doing. I'm
12 putting in some new equipment into Nevada County that I'm
13 hoping will start triggering a lot of the people that have
14 moved to that area from urban San Francisco, Los Angeles,
15 Southern Cal, whatever, to start demanding different types
16 of service levels. That's one way we're going to try to
17 grow this thing. But this County is working hard to try
18 to meet the number.

19 And I think the key thing here is disposal
20 tonnage is going down in an area that is increasing, the
21 revenue is going up, the building is going up, and the
22 diversion -- I mean, well, the diversion has gone down,
23 but so is the landfilled material is going down. That
24 tells me, anyway, that that's a positive program in an
25 area that everywhere else it's going up.

1 COMMITTEE MEMBER PEACE: So still you're only
2 going to be at 35 percent, you say, by the end of the year
3 with this alternative diversion rate. So when do you
4 expect to be 50?

5 MR. JONES: I think once we have our
6 infrastructure in place for the construction and
7 demolition materials drop-off and the facility that we're
8 talking with gets upwards of 80-something percent
9 diversion, if you look and see that perhaps 30 percent of
10 our waste stream is C&D and we can get -- let's say we
11 only get half of that, that's another 15 percent. That's
12 why we're really focusing on that this winter.

13 If I can, I'd like to speak to our county just so
14 you know that we walk the talk. One of the first things
15 that we did when I got to the county is look at our
16 sustainable practices policy and realized it was somewhat
17 weak. And we developed a policy. And, in fact, it's
18 actually a policy that you have posted on your website as
19 an example and a model policy. Not only do we have
20 recycled content paper in every Xerox machine, we have
21 recycling bins made from recycled content plastic lumber.
22 We have benches. We have a verma compost system which is
23 adjacent to our Administrative Center where all the
24 trustees empty 100, 150 pounds of food straps and feed
25 them to our worms.

1 All of our fleet uses re-refined oil. They all
2 have bumper stickers or license plate frames with that on.
3 We also collect the used oil at our own stations as well.
4 And we also have a curbside used oil collection program.
5 And we're one of the first, if not -- we were the only one
6 for a while that had a granulator program wherein we
7 collect the quart oil containers and granulate those and
8 recycle that plastic and collect the oil that, in fact, is
9 very usable that's remaining in your quart oil container
10 when you empty it.

11 So I think that we're also very strong in leading
12 by example. And we did that because we also go out to all
13 the businesses within Grass Valley, Nevada City, ask the
14 Unincorporated area. We implement the programs for all.
15 And every single business that we have visited has either
16 expanded or begun a recycling program by virtue of our
17 visit.

18 And one of the other things this leads me to is
19 that Grass Valley and Nevada City have diversion rates
20 above ours, and we implement their programs. So I think
21 that speaks to a number issue as well. They don't have
22 staff. We implement all the programs for them. We are
23 funded through partial charges largely, so we collect that
24 from Grass Valley and Nevada City as well as
25 Unincorporated County. We implement all their programs

1 for them, and they are above 50 percent and have been.

2 CHAIRPERSON MARIN: They're in a peculiar
3 situation. We're actually going to have the opportunity
4 to discuss this situation with the rural counties as we
5 discuss more the alternative method, the reporting method.

6 COMMITTEE MEMBER PEACE: There's so many rural
7 counties, though, that are complying with the law and a
8 lot of rural counties that have big language barriers and
9 have, you know, 20, 30, 40, 50 percent of their population
10 below the poverty level. And this one, there shouldn't be
11 any language barrier. Very few people below the poverty
12 level. I guess I still can't understand why it's so hard
13 for this particular rural jurisdiction not to get to --
14 when so many other ones have.

15 DEPUTY DIRECTOR SCHIAVO: They are very much in
16 compliance with the program implementation side of the
17 equation. Again, with the rurals, they vary quite a bit.
18 And by happenstance, they may get the benefit of some
19 disposal tons being sent out of county. They may get the
20 benefit of the adjustment factors for whatever reason.

21 The rural communities -- and this has always been
22 an issue. And this is what is found in the SB 2202
23 report. That's why the Board approved the recommendation
24 that the focus should be on program implementation and
25 secondarily the numbers because it was recognized by the

1 affected community -- not just the rurals, but even the
2 people representing urban communities also agreed with the
3 findings that the numbers have too much variability with
4 these rurals. We tried to make them as true as possible,
5 but it's just not possible under the current scheme of the
6 law. So there will be a lot of variability. And that's
7 why the Board in the past has recognized that with
8 approving some jurisdictions with relatively low
9 percentage rates, and there's some that have been pretty
10 outrageously high on the other side of the spectrum, maybe
11 80, 90 percent with no more programs being implemented.
12 Again, it's more happenstance with the rurals.

13 COMMITTEE MEMBER WASHINGTON: I think it's great.
14 They have great programs. It just seems to me the County
15 has to just go back and figure out some type of mechanism.
16 The excellent program, superb programs they have in place
17 at this county, and she just named off all of what they're
18 meeting the county. It just seems to me they need to go
19 back and figure out and perhaps take a look at what Ms.
20 Peace is, sounds like to me, suggesting that something
21 might need to be mandated to raise the number or whatever
22 area you can do that in. You just need to go back.

23 But I think the County is doing an excellent job
24 with the programs that you have. And it is kind of
25 difficult to sit here and hear the numbers and to see the

1 programs are going so well and the superb programs you
2 have in place, and the numbers don't come out the same.
3 It is kind of difficult. But I do understand that rural
4 counties are in a difficult situation, and I think you're
5 doing a wonderful job. And, again, you just probably need
6 to go back and take a look at what they can do different.

7 CHAIRPERSON MARIN: I think that the challenge
8 for us is trying to be as fair and as objective as we can,
9 understanding that in some instances -- and I don't know
10 how many rural counties we visited. I have made it a
11 point before the end of September I would have visited
12 every single rural county. I'm almost there.

13 But not every single rural county -- Ms. Peace is
14 correct. Not every single rural county has the challenges
15 that you do and, therefore, the numbers look very
16 different. But when you go in and visit the specific
17 counties and you see the challenges, but more importantly
18 the ones that are, in fact, implementing the programs, you
19 know, you have to be able to accommodate for that. And
20 that's what our program is doing. Because they are doing
21 everything they can possibly do. But they don't have the
22 numbers, the retail number, the dollars that unfortunately
23 we use in our formula to allocate the rate, you know, the
24 diversion rate. And so they're always going to be at a
25 loss. And that's why we need to redo this method, because

1 it's very unjust to some counties. Not to all of them.

2 And so I think that we have beaten this horse to death.

3 COMMITTEE MEMBER PEACE: Let me ask staff, are
4 there any programs staff thinks they should be doing that
5 they're not doing or that they should plan to do?

6 MR. POGUE: I feel the programs they've
7 incorporated into this second request tackle that issue.
8 They're focusing on construction and demolition, which is
9 a large portion of their waste stream and also tackling
10 self-haul, which we heard is approximately --

11 COMMITTEE MEMBER PEACE: Was C&D a large portion
12 of their waste stream when they got their first 1066?

13 MR. POGUE: Yes.

14 COMMITTEE MEMBER PEACE: What did they do about
15 it in three years? Why is it just now in 2006 they're
16 going to start constructing a C&D facility?

17 MR. POGUE: Maybe Tracy can answer that.

18 MS. HARPER: Actually, we do take wood waste from
19 construction already, and we take metals. The only thing
20 that we're talking about now is having a more integrated
21 program where we take a wide variety of materials, not
22 just the wood waste, cardboard, metal, things of that
23 nature.

24 And, actually, we knew that we had a pretty good
25 percentage of construction and demolition materials. But

1 the latest statewide waste characterization that was done
2 actually increased that significantly. I think it went up
3 by right around eight points. So that was a lot. And
4 that was enough for us to realize that -- we already were
5 working on that path, but we re-prioritized and put C&D at
6 the top of the list.

7 COMMITTEE MEMBER PEACE: Would a Compliance Order
8 help you to get the political support you need to get the
9 C&D ordinance passed and to do some of these other things?
10 Do you need political support?

11 MS. HARPER: Well, it can be a two-edged sword,
12 if you will. Because it could look like why do we have
13 this program when we're just getting in trouble again with
14 the State. We've talked about how we have this integrated
15 program and we've left no stone unturned.

16 And I've actually talked to them about the
17 numbers on our Commission. We have Board members that sit
18 on that Board of Supervisors. And they've been very
19 willing to go along with the infrastructure that we
20 recommend. We've had to do quite a bit of analysis and
21 number crunching, because it's very expensive.

22 So I would say that that's probably a little
23 different in our community in a rural county than it is in
24 some other areas. So that could explain a little bit why
25 it took a little bit longer.

1 But, actually, when I've actually asked Waste
2 Board staff what they think about how long it takes to get
3 infrastructure going, they've said they believe it takes
4 at least three years. And I think that's actually true,
5 that from the time at which we moved in earnest and did
6 analysis, it's about three years that we're going to have
7 an infrastructure in place. So I don't think we're
8 beyond, you know, what could be expected. We certainly
9 haven't been resting on our laurels. I do think a
10 Compliance Order could -- you know, it could add
11 negativity to the program, quite honestly.

12 CHAIRPERSON MARIN: Actually, I wouldn't really
13 go on a Compliance Order with Nevada County. And I know
14 you might want to consider that. But I am not ready to
15 consider that just yet. I feel they are doing -- and I
16 have been to this county. They're doing everything they
17 can. I visited some of their programs. I visited their
18 facility where they had the recycled oil. And they're
19 doing everything they can. So I'm not ready to even
20 consider that. They have done a very good job.

21 COMMITTEE MEMBER PEACE: They're doing some
22 things now. I'm just wondering why they weren't doing
23 these things before like the drop-off at the McCourtney
24 Road Transfer Station. They say they're improving that
25 facility and the traffic flow, and they're going to put in

1 a C&D facility. Why are they just talking about this now?
2 And why wasn't it talked about three years ago so it would
3 already be in place?

4 MS. HARPER: Well, if you remember way back when
5 we started the discussion that actually we were under the
6 impression that our diversion rate was 43 percent. So
7 that gives you a different sense of urgency of program
8 implementation and the types of programs that you would do
9 versus now that we have fallen off -- although, we think
10 our '04 rate is going to swing back up again because our
11 tonnage has dropped and our population has increased. So
12 we think that our '04 rate is going to come out better.

13 CHAIRPERSON MARIN: Most likely when you do the
14 characterization study.

15 Is there a motion to approve Resolution 2005-212?

16 COMMITTEE MEMBER WASHINGTON: I'd like to move
17 adoption of Resolution 2005-212.

18 CHAIRPERSON MARIN: Okay. I'll second that.

19 Call the roll.

20 EXECUTIVE ASSISTANT BAKULICH: Peace?

21 COMMITTEE MEMBER PEACE: I'm still not real
22 comfortable with this. But if staff is telling me this is
23 the way to go, I'll say aye.

24 EXECUTIVE ASSISTANT BAKULICH: Washington?

25 COMMITTEE MEMBER WASHINGTON: Aye.

1 EXECUTIVE ASSISTANT BAKULICH: Marin?

2 CHAIRPERSON MARIN: Aye.

3 Thank you, Ms. Peace.

4 Thank you, Kathy. Thank you, Steve.

5 This will go on consent. Thank you.

6 DEPUTY DIRECTOR SCHIAVO: We'd like to combine
7 those in the presentation D and E. And these are
8 Consideration of Request to Change the Base Years to 2003
9 for the Cities of Fillmore in Ventura County and Temecula
10 in Riverside County. And Kaora Cruz will present these
11 items.

12 SUPERVISOR CRUZ: Good morning, Committee
13 members.

14 The City of Fillmore has requested to change its
15 base year to 2003. Board staff has reviewed and verified
16 the study and recommends the Board to approve staff
17 suggested modification. The City's 2003 diversion rate is
18 31 percent. And the City has submitted a time extension
19 which will be presented separately during this Committee
20 meeting.

21 The City of Temecula requested to change its base
22 year to 2003. Board staff has reviewed and verified the
23 study and recommends the Board to approve the staff
24 suggested modifications. With the staff recommended new
25 base year and the biomass diversion, the City's 2000

1 diversion rate will be 53 percent, of which 2 percent is
2 from biomass diversion.

3 A representative from the City of Fillmore is
4 here to answer any questions, and representatives from the
5 City of Temecula are here to answer any questions. This
6 concludes my presentation.

7 CHAIRPERSON MARIN: Thank you so very much.

8 Okay. Let's see. Bill Bartels from the city of
9 Fillmore. Thank you so very much for making -- was it a
10 long driving trip or a short one-hour flight?

11 MR. BARTELS: A short one-hour flight.

12 CHAIRPERSON MARIN: Excellent. Thank you so much
13 for taking the time.

14 So you need to change your base year. And staff
15 is ready to give it to you. Why should we give it to you?

16 MR. BARTELS: We're ready to do more than change
17 our base year.

18 If I can respond to Committee Member Peace's
19 issue. Fillmore has been at this for a long time. We
20 also have seen a basic degradation of our tonnage. The
21 only way to update the political arm -- and in this case
22 it is not the City Council. It is the School Board,
23 because the schools of Fillmore -- the Unified School
24 District has always used our service, is part of our
25 tonnage, and is building new schools like crazy. You'll

1 see a spike in the third quarter of 2004 for our basic
2 tonnages. Without being able to do the generation study
3 to request the new base year, those tons just went
4 someplace else. They were a different agency.

5 We've now had a long-standing dialogue about the
6 fact that our schools do not do a very good job of
7 recycling. And that in all of the C&D the City is doing,
8 we will report 6,000 tons of diversion. We have 275 new
9 homes, first phase of a very large project for Fillmore,
10 population 14,000, where our diversion requirement can be
11 documented. The schools have built a new school site and
12 upgraded three of their old school sites. None of that
13 C&D tonnage was diverted. In many cases, it was just
14 hauled off. It wasn't until our fire department started
15 to work with the schools to do practice burns that we
16 actually got them to begin this process. So the new base
17 year is critical, because it opens the doors to continue
18 the dialog.

19 The other thing it does is allows the new staff,
20 the entire upper management of the district along with,
21 frankly, the entire upper management staff of the City of
22 Fillmore, is turning over the next three months; the City
23 Manager and Public Works Superintendent, Chief Financial
24 Officer in 18 months. And we have a new Chief Financial
25 Officer for the school district who has borrowed me to

1 rebuild their recycling programs.

2 So our new base year gives us a better basis for
3 dialogue. It shows where things are falling through the
4 holes. And also it demonstrates industries -- we have
5 very few industries. We have a lot of mom and pop stuff.
6 Our ag recycling is very good. We only have one packing
7 house. Those tons are lovely.

8 So I feel like a ping-pong ball trying to
9 coordinate this right now. The political support is in
10 place from the School Board. It's always been in place
11 from the Council. I have a new Council Subcommittee, been
12 doing this for ten years. And as a result of this new
13 Subcommittee, they're saying we need to incentivize our
14 contract with our waste hauler. And hearing San Francisco
15 has already done it, that makes it easier to say, okay, in
16 September we are looking at our contract with our waste
17 hauler. Instead of demanding performance, let's
18 incentivize performance.

19 Thank you. Long answer to a short question.

20 CHAIRPERSON MARIN: That's usually the case.
21 Thank you so very much. I know Ms. Peace will have a
22 question for you. She doesn't. Okay. Oh, she does.

23 COMMITTEE MEMBER PEACE: This isn't an item
24 talking about an extension. This is just changing the
25 base year. So change your base year --

1 DEPUTY DIRECTOR SCHIAVO: The next item actually.
2 This is correcting the numbers. The next item deals with
3 the programs.

4 MR. BARTELS: And if I could just speak to that.
5 One of the things that -- working in real time and working
6 three or four years behind is what we do all the time in
7 the waste business. So anticipating a mess is easy to
8 talk about. But when you talk about incentivizing
9 compliance -- if I walk out of here with a Compliance
10 Order or if I walk out of here with a denial for a new
11 base year, I go back to my political constituency and say,
12 here's where we are. Here's what we have to play with.
13 And what do you want to do? I will have some
14 recommendations about that.

15 But we have raised the financial incentives. We
16 have good programs in a very poor community with a
17 transitional situation in our economy and a school
18 district that is in a state of disaster. And I'm trying
19 to have that disaster not continue to increase our
20 numbers.

21 CHAIRPERSON MARIN: Okay. Well, I think that we
22 will have a motion to change the base year, and we'll take
23 both 2005-196 and 197 for the changing of the base year.
24 The discussion will probably be on Item Number 7, unless
25 there are any questions for the City of Temecula changing

1 their base year. Who's here? Is anybody here from
2 Temecula?

3 MS. RUSE: Yes.

4 CHAIRPERSON MARIN: I want to thank them. Hi.
5 State your name for the record.

6 MS. RUSE: Good morning. My name is Phyllis
7 Ruse. I'm the Deputy Director of Community Services for
8 the City of Temecula. Thank you for having us this
9 morning, Board members.

10 The City of Temecula has worked with Board staff
11 in the completion of this report. We support it
12 wholeheartedly and request your approval on it.

13 CHAIRPERSON MARIN: Thank you. You're at 51
14 percent. This will be 53, is it?

15 MS. RUSE: Yes, with our biomass.

16 CHAIRPERSON MARIN: Yeah, with the biomass.

17 COMMITTEE MEMBER PEACE: I know Temecula is
18 booming also. There's all sorts of building going on in
19 Temecula. So how are you dealing with your C&D so your
20 diversion rate can be so high?

21 MS. RUSE: Actually, the City of Temecula has
22 always taken our recycling and our AB 939 responsibilities
23 very seriously. I have a City Manager who watches those
24 numbers and always wants to make sure that we are in
25 compliance.

1 In the last few years, we have been struggling a
2 little bit with our numbers. We think there's a couple of
3 reasons for that. Our programs we feel are excellent, and
4 we stay on top of them. Our hauler is vigilant in that as
5 well.

6 We think we've kind of slipped in the last few
7 years, because when we incorporated -- we incorporated in
8 December of '89, and of course our base year then was
9 1990. We ended up taking numbers from the county that
10 were sort of pro rated and kind of guessing where the
11 boundaries were and that sort of thing. So we've never
12 been 100 percent confident that the base year was accurate
13 in the first place.

14 Secondly, with our tremendous growth -- I believe
15 our population was about 21,000 people in 1990. It's now
16 about 92,000, 15 years later. With that tremendous
17 growth, we feel the adjustment formula has not always
18 played to our favor. While our programs might reflect a
19 higher recycling and diversion, that it hasn't necessarily
20 played out that way in the formula. So we're really
21 excited to have a new base year that we feel more
22 accurately reflects what's really happening in Temecula.

23 Now to your specific question. About three years
24 ago our hauler, who as I say is vigilant, came to us and
25 said, "You know, the commercial developers are following

1 our Municipal Code, following our franchise, and using us
2 as their hauler and we're able to pull that material out.
3 However, the residential developers don't use us. They
4 have a whole different system."

5 So we started looking at that. And rather than
6 going to a C&D ordinance, we actually went to a procedure
7 whereby every developer, as a condition of approval of
8 their project, has to use the City's franchised waste
9 hauler for their diversion and for their C&D. They come
10 in to get their permit, and our department has to sign off
11 on that permit. They have to have already made their
12 arrangements with our hauler, and the hauler then lets us
13 know that that arrangement has been made. The requirement
14 is also that they're serviced at least once a week. If
15 our hauler sees they're going and not calling for service,
16 we can withhold permits. We can withhold inspections.

17 In the beginning, we had a lot of difficulty with
18 them. They argued with us. They didn't like this idea.
19 And now three years later, everybody is pretty much using
20 the process and we have definitely seen our C&D diversion
21 go up over the last couple of years.

22 CHAIRPERSON MARIN: I didn't know. Is that
23 something that a lot of jurisdictions -- not to you, but
24 is that something a lot of jurisdictions do? I really
25 like that. It actually for accountability purposes holds

1 the hauler accountable, and I mean --

2 MS. RUSE: And the developer.

3 CHAIRPERSON MARIN: Probably for competition
4 purposes it's not very good. But for accountability
5 purposes, it's rather remarkable.

6 MS. RUSE: Well, and if it has to do with trash,
7 we're not looking for competition. We have a Municipal
8 Code and a franchise agreement that says the waste needs
9 to go through the hauler so we have some control over
10 what's going to the landfill.

11 CHAIRPERSON MARIN: I like that. I was just
12 going to ask staff if that's something that we see pretty
13 much so throughout the state.

14 BRANCH MANAGER MORGAN: Cara Morgan, Office of
15 Local Assistance.

16 We're seeing it more, because we've been
17 promoting the C&D ordinances and requirements that
18 Temecula has. And we've been utilizing Temecula as a
19 model, because we think they have a terrific program. And
20 we've really appreciated sharing what they're doing as a
21 success story.

22 CHAIRPERSON MARIN: That's very, very good. No
23 wonder you're at 51 percent, and now you're going to be at
24 53 percent.

25 MS. RUSE: And we're going to do our best to stay

1 there.

2 CHAIRPERSON MARIN: Well, no.

3 MS. RUSE: And higher.

4 CHAIRPERSON MARIN: We don't like status quo. We
5 like improvement. Thank you so very much. And thank you
6 for serving as a model. So I'm going --

7 MS. RUSE: Thank you.

8 CHAIRPERSON MARIN: So I'm going to take both 196
9 and 197 at the same time. Is there a motion for that?

10 COMMITTEE MEMBER PEACE: I'd like to move
11 Resolution 2005-196 and 2005-197.

12 COMMITTEE MEMBER WASHINGTON: Second.

13 CHAIRPERSON MARIN: Moved and seconded. We will
14 substitute the previous roll call and put it on consent.

15 The next item, that's the Item Number 7.

16 DEPUTY DIRECTOR SCHIAVO: Item 7, Committee Item
17 F will be presented by Melissa Vargas. This is
18 consideration of a second SB1066 for a number of different
19 cities.

20 I would like to point out that the City of Loma
21 Linda has requested that their item be pulled from this
22 group. And we are amending the item in the Resolution as
23 we speak, actually. That will be available in time for
24 the Board meeting.

25 CHAIRPERSON MARIN: Okay. Actually, I did get a

1 letter from their waste hauler, Waste Management, but
2 we'll deal with this next month.

3 BRANCH MANAGER MORGAN: September.

4 CHAIRPERSON MARIN: So Loma Linda has been
5 pulled. So you're going to make a full presentation on
6 all of them, and then we'll take -- go ahead.

7 MS. VARGAS: Good morning, Committee members.

8 These jurisdictions' first time extensions have
9 ended. And despite their efforts to meet the time lines
10 in the first Plans of Corrections, they need additional
11 time to implement their programs. These cities include
12 Blythe in Riverside County; Fillmore from Ventura County;
13 Lemon Grove and Oceanside from San Diego County; and
14 Oroville from Butte County.

15 Board staff has reviewed and verified the Cities'
16 request for a second time extension to meet their AB 939
17 goal and are recommending approval of this agenda item.
18 Representatives from the Cities are here to answer any
19 questions.

20 This concludes my presentation.

21 CHAIRPERSON MARIN: Thank you. Let's start with
22 the City of Blythe. We'll just call them in the order we
23 have them before us.

24 Please state your name for the record. And thank
25 you very much for being here today.

1 MR. JIM RODKY: My name is Jim Rodky. I'm with
2 the City of Blythe. Jim Rodky. I ask you to excuse me.
3 I have a little bit of a cold so --

4 CHAIRPERSON MARIN: That's okay. We'll make it
5 fast so you can take your germs with you somewhere else.

6 MR. RODKY: First of all, Chairman and Board
7 members, thank you for hearing us. We're really excited
8 to be here, in spite of the request for the second
9 extension.

10 We've had meetings with the prisons, and
11 institutional barriers are being worked out as it relates
12 to the prisons and their packaging and their recycling
13 that they have.

14 As it relates to the C&D ordinance, we, like
15 Temecula, are putting it in the conditions. And we're
16 able to capture a lot of waste there. Plus, with our
17 franchise hauler, he has the exclusivity within the city
18 limits to put those roll-offs at those projects. So we
19 have the ability to capture the waste that way, too.

20 And then we take it a little further is in public
21 projects -- I'm also the Public Works Director. So we put
22 everything out in the specs where we can capture the C&D
23 waste, and likewise on the public projects.

24 So we're really excited. We think our numbers
25 certainly after the next reporting period are going to

1 definitely be higher.

2 So I'd be happy to answer any questions. And if
3 we get too technical, I'll need to call my waste hauler
4 up, Palo Verde Disposal Service.

5 CHAIRPERSON MARIN: Okay. Well, I know that we
6 will have a couple of questions. And Ms. Peace will start
7 firing them off for us.

8 COMMITTEE MEMBER PEACE: Curbside collection, is
9 that just voluntary?

10 MR. RODKY: Yes, it is voluntary. We have carts
11 at every curbside location. And we did some public
12 service announcements, and we've been to the schools and
13 talked with the kids, and the kids are really good at
14 encouraging the parents to recycle. But in our community,
15 we have a large poverty level income rate. And we're also
16 150 miles from the nearest recycling market. So what
17 we've learned is that our recyclables were in many cases
18 commingled, in spite of our outreach programs.

19 So what we did, and the City Council is really
20 excited about this, is we bit the bullet and we said we're
21 not capturing our waste with curbside. We already pick up
22 the green waste in the alleys for free. People bundle it
23 up, put it out, and we pick it up. And then we've dealt
24 with the C&D. So we saw we were having problems with the
25 recyclables and the residential, and we opted to go ahead

1 and bite the bullet for a MRF.

2 So now there is a MRF station up and operating
3 where the city's residential waste is going. It's a dirty
4 MRF, but nonetheless, it's a MRF. And we also had
5 barriers there. Because of the permitting with Riverside
6 County, we would have been two to three years in delays
7 and a significant amount of money to get the facility up
8 and running. So Palo Verde Disposal had some property
9 across the river in Courtside, Arizona. And so what they
10 do is haul the recyclables over there, and it's run
11 through the MRF, and then we're able to capture the
12 recyclables and get them to market.

13 CHAIRPERSON MARIN: I don't like dirty MRFs,
14 personally. They're dirty. What can I say?

15 All kidding aside, I have visited probably 100
16 programs, and I know that on dirty MRFs the percentage
17 that gets captured for recycling is far lower than the
18 ones that actually do have the recycling programs, the
19 curbside recycling programs. And maybe this question
20 is -- well, it's both for you and for your hauler. But do
21 you see a transition from a dirty MRF to a cleaner MRF?

22 MR. RODKY: I believe any agency to responsibly
23 approach the recycling and capturing the waste -- our
24 community is getting ready to grow. As it grows, we will
25 bring a different element into it. And I'm certain --

1 CHAIRPERSON MARIN: What is your population right
2 now?

3 MR. RODKY: Right now the population is 21,000;
4 8,000 of which are prison inmates from two institutions.

5 But to answer your question, as the community
6 grows and evolves and public information gets out there
7 and we get our community to buy into this recycling and
8 diversion more so than they are now, certainly that's a
9 possibility.

10 CHAIRPERSON MARIN: You're going to expand your
11 outreach efforts. I see that as a condition. But if
12 people -- see, what we have learned is that if I'm going
13 to throw a bottle and there are two cans, one is for
14 recyclables and the other one is for non-recyclables, I'm
15 going to -- if I have this bottle, I'm going to put it in
16 the recyclables, than if there is just one can; right?
17 It's at the point of going to the trash. If there is no
18 curbside recycling, if people --

19 MR. RODKY: We have curb side.

20 CHAIRPERSON MARIN: But it's --

21 MR. RODKY: They commingle it. They just throw
22 everything in the trash. And we have twice a week
23 collection. But so what we're doing is targeting --

24 CHAIRPERSON MARIN: I don't understand. So when
25 people -- is it curbside recycling and you have two cans?

1 So why does it go to a dirty MRF?

2 MR. RODKY: The MRF is dirty in that they
3 commingle everything in the trash. So we just take
4 everything to the MRF.

5 Let me let Gordan speak to that a little bit.
6 Technically, it's a dirty MRF.

7 MR. BEERS: Madam Chair, members of the Board,
8 Gordan Beers, Palo Verde Disposal Service.

9 We have a portion of the city, more than half of
10 the city, has curbside collection. And so those that have
11 curbside carts, they have a blue cart and a trash
12 collection cart. They throw commingled recyclables in the
13 one. We still have the curbside. So we still collect
14 those separately.

15 We really went to the MRF in order to capture the
16 residential, because they have alley service with bins,
17 four-yard bins, and the commercial. So we looked at
18 there's limited space for a lot of containers at the
19 businesses, so we felt that in order to maximize our
20 diversion, we would capture the commercial and the balance
21 of the city through the dirty MRF. But we still have the
22 curbside collection, commingled recyclables.

23 CHAIRPERSON MARIN: So what are you going to do
24 to improve that? It seems to me that -- is there
25 something else? Is there another component to increase

1 the amount of trash that is actually collected that can be
2 recycled?

3 MR. BEERS: Well, we'll be processing all the
4 waste that's generated within the city. And based on our
5 diversion numbers currently with what we are already based
6 on the 2003, we're already going to be over 50 percent.
7 And we're expanding the concrete and C&D programs, so we
8 feel we're in a good position that we've met the goal.
9 Okay.

10 So we added the MRF to make sure we were able to
11 capture all the material we possibly could. Instead of
12 implementing a source-separated program throughout the
13 city with the balance of the residential or the
14 commercial, we maintained the curbside where we have
15 curbside service. And then we wanted to capture and take
16 the rest of the material to the MRF.

17 CHAIRPERSON MARIN: All right. Okay. Ms. Peace.

18 COMMITTEE MEMBER PEACE: When you said that over
19 a third of your population are inmates, is there any
20 recycling at the prison?

21 MR. RODKY: Yes. We just had a meeting with both
22 institutions. One is Ironwood State Prison. The other
23 one is Chuckwalla Valley State Prison. And we have
24 certain institutional barriers. There used to be some
25 metal recyclables. But Prison Industries has gone to this

1 plastic packaging and these little condiment containers
2 which they're having difficulty getting into the markets.
3 Right now, their diversion rates are I believe 50 and 51
4 percent. But they see this as a trend that's going to
5 create problems for them in the future.

6 We've looked at our individual resources and how
7 we can aid one another, and we will continue to do so for
8 sure.

9 CHAIRPERSON MARIN: Pat, doesn't the prison
10 because it's a State facility, their numbers are separate
11 from the jurisdiction?

12 DEPUTY DIRECTOR SCHIAVO: No. They count as part
13 of it. But they also count under the purview of AB 75,
14 our State program. So they do submit reports to us every
15 year.

16 CHAIRPERSON MARIN: But that's separate from this
17 program?

18 DEPUTY DIRECTOR SCHIAVO: It's part of this
19 program. That's a subset of it.

20 CHAIRPERSON MARIN: Okay. Yes.

21 MR. BEERS: However, I just wanted to note it's
22 been our indication in working with the prisons that no
23 matter what their recycling diversion numbers are, the
24 residue waste still gets attributed to Blythe. And we
25 have no jurisdiction over that.

1 CHAIRPERSON MARIN: So the prison itself is at
2 over 51 percent or something like that? But you think
3 that -- are there leftovers? Have they been increasing,
4 is that what has happened?

5 MR. RODKY: They indicated to us that because the
6 packaging has changed through Prison Industries -- like
7 their food containers come in these plastic containers,
8 where they used to be in tin cans and five gallon plastic
9 bails, so now they need to be landfilled, because it's
10 contaminated.

11 MR. BEERS: They used to bail tin cans and other
12 materials, and now the packaging is more uniform. That's
13 one small item. It's just that the city of Blythe
14 jurisdiction itself is targeted -- not targeted, but they
15 are the result of whatever the residue waste coming from
16 the wraps centers go to the landfill still reported as
17 disposal for the city of Blythe.

18 CHAIRPERSON MARIN: But then also their numbers
19 should be going up.

20 DEPUTY DIRECTOR SCHIAVO: I can't answer that.
21 Their report -- we get the annual reports from them. They
22 have a goal of 50 percent, and the jurisdiction -- maybe
23 Phil knows a little bit more.

24 CHAIRPERSON MARIN: Their numbers should be going
25 down.

1 DEPUTY DIRECTOR SCHIAVO: They should be going
2 down if that's the case. But if they're staying at 51
3 percent, I can't answer. Phil has --

4 BRANCH MANAGER MORALEZ: Phil Morales with the
5 State and Local Assistance Branch.

6 Institutions pretty much -- in meeting with
7 staff, they had gone, and with the OLA staff to meet with
8 the City. And, essentially, the prisons -- what you're
9 looking at in terms of, for example, the packaging, when
10 you're talking about the condiment package, you're talking
11 about the little mini packages you get at Taco Bell and
12 those kind of things. Those in terms of volume and
13 numbers are really insignificant as far as the waste
14 stream is concerned. Granted, they're not recyclable.
15 But there are issues regarding safety and health in terms
16 of the inmates as well as the correctional officers.

17 The programs they have implemented are pretty
18 significant. They have both the green waste programs.
19 They package everything they can sell, they do sell.
20 Because it's money making for the prison. Many of their
21 support services for inmates and staff come out of
22 whatever they're able to recycle and obviously make
23 revenue with.

24 The one item they are working with the City and
25 is a concern has to do with denim. There's a lot of used

1 denim in sheets and materials. The problem is that the
2 market is so far away. To get the materials to market has
3 been a real issue, and to find a market that wants to buy
4 used denim. They generate about 500 pounds a month of
5 used denim. And so what they're trying to do, and they've
6 talked with the City and they will continue to explore, is
7 there some other way to get that material to market. That
8 would have a significant positive impact for the city, as
9 well as for the institutions. But right now the
10 institutions are sitting at over 50 percent. And, you
11 know, I can take into consideration health and safety
12 issues. They couldn't do much more at this point.

13 I think the other thing is that, you know, the
14 institutions have always been -- and Corrections'
15 philosophy has always been when they're in a community,
16 they're part of the community. So I think the dialogue,
17 as long as it continues between the prison and the City,
18 you know, should have some positive effects.

19 BRANCH MANAGER MORGAN: Madam Chair, I'd also
20 like to add that our plan, OLA staff, as well as AB 75
21 staff and the City, met with the prison. And we're
22 developing a plan of action with them, because we really
23 want to target food waste. We've talked about some of the
24 materials, but they're real small. Food waste is the
25 thing we're going to go after with the prison, heavy, a

1 lot of tonnage. And it's really going to help the City
2 reach their goal. So that's going to be our plan of
3 attack.

4 CHAIRPERSON MARIN: Okay. Any further?

5 COMMITTEE MEMBER PEACE: You said you are working
6 on a C&D policy?

7 MR. RODKY: Yes. What I stated earlier, what we
8 do when we have a project review committee meeting where
9 the developer comes in and meets with the building staff
10 and the public works staff, before they go to the planning
11 commission, is a condition of improvement for that
12 project, whether it be a 100-home development or a
13 commercial building facility or an individual, we
14 condition them to go ahead and get ahold of Palo Verde
15 Disposal. And we capture that waste with their roll-off.
16 Or in public projects, like road projects where there's
17 demolition of curb, gutter, and sidewalk, we make the
18 contractor load it and takes it over to Palo Verde
19 Disposal Service's certified scale. They go ahead and
20 load it, and we dispose of it. And we're going to make
21 Class III base out of that to use as shoulder dressing
22 within the city limits.

23 MR. BEER: Also, if I might say, part of the
24 permitting process is that there's an actual form that has
25 to be filled out. And the project comes to my office. I

1 have to locate where this site is going to be, what
2 materials could be available for diversion, mainly the
3 concrete asphalt, and then they have to have a plan and
4 report that material if I'm hauling or if someone else is
5 haling, has to be weighed on a scale and goes to a
6 recycling facility. So that's part of it. And I have to
7 sign that off before they can go back and get a permit.

8 COMMITTEE MEMBER PEACE: I also read that you do
9 have a recycling product procurement policy.

10 MR. RODKY: We're working on implementing that
11 better. But we just have an internal policy with
12 procurement, and we've got some really good draft
13 procurement policies from Board staff. And we're
14 reviewing those, and we're getting ready to formalize that
15 now.

16 COMMITTEE MEMBER PEACE: Thank you.

17 CHAIRPERSON MARIN: Okay. Thank you so very
18 much. We appreciate you being here, and we appreciate
19 your answers. We wish that you go out there and get 51 --
20 is that it, 51?

21 MR. BEERS: Or more.

22 CHAIRPERSON MARIN: Or more. You better do it.
23 I'm going to have you here two years from now.

24 You can leave. Go ahead. Take your germs
25 somewhere else.

1 The next is Fillmore. And I know Mr. Bartels --
2 I just wonder, that's the item that I know Ms. Peace was
3 going to have a question on.

4 So we have you at 31 percent. And if we provide
5 you with a second 1066, you're sure you're going to get
6 the 51 percent?

7 MR. BARTELS: I would be a fool to sit here and
8 say anything is for sure.

9 CHAIRPERSON MARIN: Okay.

10 MR. BARTELS: I believe that with staff changes
11 and with the diversion documentation that we stand a very
12 good chance of coming up. I also believe that the
13 continuing dialogue with Board staff about taking very
14 small segments and connecting them throughout the city for
15 rendering recycling for identifying and making those
16 systems sustainable, which is what this is all about.

17 CHAIRPERSON MARIN: Right.

18 MR. BARTELS: Fillmore is the lowest per capita
19 City in Ventura County. So we have a lot of issues about
20 people using recyclables to collect for people to live on.
21 And the Council will not adopt an anti-scavaging ordinance
22 which then promotes a very interesting dialogue with our
23 waste hauler. Because they're saying, "We're losing
24 material." Well, it's being recycled. It's just not
25 being recycled to defer their costs.

1 CHAIRPERSON MARIN: That is a challenge. Believe
2 me, I come from a city that has that same challenge. And
3 we'll see what happens.

4 I know you have a question, Ms. Peace.

5 COMMITTEE MEMBER PEACE: It says you're working
6 an curbside collection. It's voluntary now?

7 MR. BARTELS: No. We've had mandatory curbside
8 collection. We've had a mandatory ordinance since late
9 '99. We are increasing our curbside collection. We've
10 done a green waste since '93. We've done curbside
11 citywide since October of '93. So our residential numbers
12 are okay.

13 Where we fall down is that we do not have heavy
14 recycling. And our product base, our ag product base,
15 which is our one heavy industry -- everyone is required
16 under ordinance to recycle any of their waste stream which
17 is recyclable.

18 We also require in the planning process
19 development of a resource recovery recycling plan. We
20 have one large contractor who goes through that process.
21 I'm part of that review. Where I think our numbers fall
22 down, quite frankly, is in the renewal of business
23 licenses each year triggers the inspection for all
24 businesses. Because of staff changes, because of major
25 shifts in our financial department, that business license

1 trigger has not been linked to building and safety and the
2 other inspection and fire and the other inspections. Part
3 of the request is to allow the completion of rebuilding
4 that process. And we are actively doing that. We are in
5 the middle of business license inspections right now.

6 COMMITTEE MEMBER PEACE: So you don't have a
7 formal C&D policy at this point?

8 MR. BARTELS: We have a mandatory re -- every
9 parcel in the city which generates a stream is required to
10 plan how to manage it. So if you come in with a C&D --
11 if you are a C&D project, your unique stream must be
12 managed. The easiest way to do that is to use the waste
13 hauler. Our city attorney believes we cannot mandate
14 private distribution. So we can't cause a self-hauler to
15 not self-haul. But we can cause a self-hauler who is
16 getting a discretionary permit to report accurately with
17 weigh tickets for where that material went. It's an
18 argument I've had back and forth with our city attorney.

19 CHAIRPERSON MARIN: Well, that's a very
20 interesting point, because you expect to have a 14 percent
21 increase by doing the C&D.

22 MR. BARTELS: I have 6,000 tons on one project.
23 And I'm not worried about that contractor or that project.
24 I believe ultimately the 14 percent is probably low. But
25 I also don't have a lot of illusions about the economy of

1 the state. And if the economy collapses, then that C&D
2 diversion will go away because of those houses will not be
3 built.

4 CHAIRPERSON MARIN: Is this a good number to
5 shoot for? Do you think it is reachable, this 14 percent?

6 BRANCH MANAGER MORGAN: Madam Chair, I think with
7 respect to some of the tonnages that the City has already
8 provided us, with respect to, for example, what they're
9 seeing with their C&D efforts, we're very encouraged. We
10 do think that the staffing the City is experiencing is a
11 really important piece of this, because those projects
12 really do need to be monitored. So we do feel strongly
13 that's an important piece of them realizing success of
14 this program.

15 COMMITTEE MEMBER PEACE: So what were you saying
16 before when you were -- the last time you were up here
17 talking about schools' construction and remodeling and
18 that was not being diverted? Have you taken care of that
19 problem?

20 MR. BARTELS: Yes.

21 COMMITTEE MEMBER PEACE: So they're all --

22 MR. BARTELS: I now am the schools' recycling
23 coordinator.

24 CHAIRPERSON MARIN: He has, in fact, taken care
25 of that. Okay. Well --

1 COMMITTEE MEMBER PEACE: It also says you're
2 working on a recycled product procurement policy.

3 MR. BARTELS: We have the procurement policy. We
4 have the initial listing and --

5 CHAIRPERSON MARIN: Is it in effect?

6 MR. BARTELS: Yes.

7 COMMITTEE MEMBER PEACE: Can you tell me what
8 things you buy than other paper?

9 MR. BARTELS: Rubberized asphalt, which actually
10 has been a requirement of our spec for three years now.
11 Rubberized asphalt, lower hazard materials for doing weed
12 abatement and stuff with public works. We have a toner
13 recycling program. We require all of our -- we have a
14 deal with our waste hauler to recycle all of our
15 electronics. And we have had that deal for a period of
16 time. It is now officially the policy of the City, not
17 just something that happened.

18 The biggest problem we have is we do nice
19 programs. We've been doing green waste since '93 as a
20 curbside program. But institutionalizing it or letting
21 anybody else know about it has been a problem. So there's
22 now the political will to make that move forward.

23 COMMITTEE MEMBER PEACE: Thank you.

24 CHAIRPERSON MARIN: Thank you, Mr. Bartels.
25 Thank you very much for being here. And you don't have to

1 leave.

2 City of Oceanside, do we have anybody here from
3 the City of Oceanside?

4 I think I skipped Lemon Grove. But don't worry,
5 Lemon Grove, we'll get to you.

6 MS. BEATTY: I have gifts for you.

7 CHAIRPERSON MARIN: Oh, bearing gifts. We like
8 you.

9 MS. BEATTY: Bearing gifts. My name is Ester
10 Beatty. I'm the Senior Management Analyst for the City of
11 Oceanside. I work out of Public Works. Actually, I came
12 from operations from the field.

13 I think I better wait for Zane first. Is it
14 okay? Okay.

15 CHAIRPERSON MARIN: He's getting ready for
16 another one.

17 MS. BEATTY: I came from the field from
18 operations being the superintendent monitoring field
19 operations. So now I'm up in the office trying to get all
20 the numbers and the programs to work. So I've seen both
21 sides of this. So you may hear a little bit more from me
22 from operations side while actually working in the field
23 with the hauler and on-site inspections.

24 We are asking for a second extension. We've had
25 a tremendous amount of growth in Oceanside. We had 54,000

1 population increase in just ten years. It's phenomenal.
2 I've spoken with our development director, redevelopment
3 director, our planning directors, city manager, the mayor,
4 everybody. We will be moving forward with a -- we already
5 have a draft C&D policy. We have all the procurement
6 policies. We have everything. We've just got this
7 tremendous growth going on right now.

8 CHAIRPERSON MARIN: When is your C&D going to
9 take effect?

10 MS. BEATTY: It's a draft. We have yet to --
11 we're actually waiting for the rest of the county --
12 San Diego County to institute a policy.

13 We don't have a mixed facility. Right now we
14 have a place called Moody's. That's where all of the
15 inerts -- the City has taken over 45,000 tons of concrete,
16 asphalt, and dirt, all of the brick, all the inerts that
17 we produce, and then we recycle and use that in road base
18 that Fillmore was talking about.

19 We also are pretty much a regional area, because
20 the other cities in the area, the Try-City, Vista, San
21 Marcos, sometimes Carlsbad, they bring their material up.
22 And there's been over 181,000 tons of material that's been
23 taken at that facility. That's just inerts. That's the
24 C&D portion of it.

25 CHAIRPERSON MARIN: But are you saying you're

1 waiting for all the other cities to adopt a policy? I
2 don't understand that.

3 MS. BEATTY: No. We have a draft ordinance. And
4 right now we have a review process in the planning process
5 that people are required to subscribe to certain types of
6 services. Again, we have a mandatory solid waste
7 recycling ordinance in our city. And construction and
8 demolition material is identified in our ordinance. So
9 right now we are capturing a lot of the concrete, dirt,
10 asphalt, inerts in the lumber. We have Moody's is the
11 concrete, asphalt. And then we have Agra Service, which
12 is run by Mary Matava. And Mary is doing an excellent
13 job. She takes all the wood -- the clean wood from these
14 facilities. So that is turned into compost.

15 CHAIRPERSON MARIN: So if you already are doing
16 that, then why would you need a policy?

17 MS. BEATTY: We need an ordinance.

18 CHAIRPERSON MARIN: Right.

19 MS. BEATTY: Exactly.

20 CHAIRPERSON MARIN: Right.

21 MS. BEATTY: We've had mandatory ordinances since
22 '90, and we've had mandatory curbside recycling, green
23 waste pickup. We have excellent programs. But with the
24 growth, we need ordinances to encourage --

25 CHAIRPERSON MARIN: We definitely agree. We want

1 you to do that. And my first question was when will you
2 have that? And I know it's a draft. But I want a
3 commitment.

4 MS. BEATTY: I have been instructed by my
5 political base, my people taller than me, that when I come
6 back, we will be having a workshop with our City Council
7 and impressing upon them the importance of doing this.
8 Because of the growth that we have in the city, we have a
9 bit of a stand back attitude from the building industry.
10 There is nowhere in north county right now to take a mixed
11 use facility material -- to take material from a mixed use
12 collection. If you were to drop a 40-yard or 20-yard box
13 on site and you had mixed material, there is no place
14 close within 40, 45, 50 miles to take that for
15 construction.

16 CHAIRPERSON MARIN: Who's your hauler?

17 MS. BEATTY: Waste Management. And we need
18 cooperation from our waste hauler, too.

19 CHAIRPERSON MARIN: I'm sure the representatives
20 from Waste Management who are here today or listening
21 through the many different mediums that we have are taking
22 note of your request.

23 I would love to have the City Council adopt a
24 policy as soon as possible. And I know your mayors and
25 your Council members, when explained correctly, I'm sure

1 that they will be very, very happy to oblige. I will be
2 more than happy to explain it correctly to them.

3 MS. BEATTY: Thank you.

4 CHAIRPERSON MARIN: So do you have some
5 questions?

6 COMMITTEE MEMBER PEACE: I guess if you can
7 explain to me, I keep hearing about a San Diego countywide
8 C&D ordinance. Is that something they've come up with and
9 each City Council needs to approve the countywide C&D
10 ordinance they came up with?

11 MS. BEATTY: I believe that would be one step --
12 Zane, did you want to --

13 MR. POULSON: As a county, they had developed a
14 draft model for the entire county. And they're trying to
15 put that forward so that as the County adopts it, as each
16 City adopts it, they'll have a very similar ordinance so
17 they'll focus on the same thing, same types of goals. So
18 when contractors go from city to city, they're not looking
19 at completely different ordinances.

20 That model has been drafted, and it has been
21 adopted by -- the San Diego Association of Governments has
22 adopted that model. That has not yet been adopted by any
23 Cities, though. It's out there and Cities have that.
24 Many Cities are working on adopting that or something very
25 similar to that, but it's not yet been adopted.

1 CHAIRPERSON MARIN: Are they using Temecula as a
2 model?

3 MR. POULSON: No. They've developed their own
4 model. They used a lot of the Board resources off of our
5 website and our Board's draft models to develop their own
6 model.

7 CHAIRPERSON MARIN: But Temecula is in our Board,
8 isn't it? No.

9 BRANCH MANAGER MORGAN: Temecula's is a little
10 bit different in that theirs is a requirement for an
11 ordinance. San Diego County jurisdictions took it to a
12 different level with going with the ordinance. So they're
13 using some other model jurisdictions for that.

14 CHAIRPERSON MARIN: I think I like Temecula's.
15 Is Temecula still here? No. They're gone. Good. I'm
16 saying their name in vain. Good. Okay.

17 Well, we would like to see the C&D ASAP as an
18 ordinance. We'd really appreciate it. It would look
19 really nice for this Board if your City Council would take
20 the lead.

21 MS. BEATTY: We are additionally working on a new
22 base year study right now. We are currently about
23 two-thirds of the way through with a new base year study.

24 CHAIRPERSON MARIN: Excellent. Your numbers
25 should go up then.

1 MS. BEATTY: Hopefully.

2 CHAIRPERSON MARIN: Ms. Peace, are you ready to
3 hear Lemon Grove?

4 Thank you so very much for taking the time to be
5 here with us. Give us your goody before you leave. Make
6 sure they're less than \$10. I don't want my attorney to
7 tell us we have to report it.

8 Okay. Lemon Grove. Who do we have from the
9 beautiful city of Lemon Grove?

10 MS. KRABER: Good morning, Madam Chair and Board
11 members.

12 CHAIRPERSON MARIN: You thought you were going to
13 get lucky and not come before us.

14 MS. KRABER: Well, we were hoping.

15 CHAIRPERSON MARIN: Well, you're at 40 percent or
16 so our figures tell us.

17 MS. KRABER: Forty-six. You're right. It's 46.

18 CHAIRPERSON MARIN: I'm so sorry. I was looking
19 at Oceanside. I'm sorry. You're right, 46 percent.

20 State your name for the record.

21 MS. KRABER: Barbara Kraber, Management Analyst
22 for the City.

23 And we have an exclusive franchise hauler in
24 Lemon Grove, and they have supported us to a very large
25 degree in our program implementation in helping us figure

1 out where to find that other 4 percent. So those are the
2 things we're currently working on.

3 COMMITTEE MEMBER PEACE: But you're also waiting
4 for your City Council to approve the San Diego County C&D
5 ordinance?

6 MS. KRABER: It is on our agenda for September
7 6th, our first meeting in September, as a discussion item
8 hoping to get some direction from the Council.

9 Our staff has been reduced to such a degree over
10 the last three or four years. We're down to about 25
11 percent across the board. And during the year the solid
12 waste tact in the county worked on putting together this
13 model ordinance, quite frankly, we were not really an
14 integral part of that process.

15 So several weeks ago we started moving down the
16 road toward putting together our application for the time
17 extension and so forth, I started doing some analysis of
18 that model ordinance and became more than a little bit
19 concerned about the level of staff it would take to
20 implement that ordinance. So we did start looking at some
21 other models. Used the Board website extensively.

22 And so we will move -- as much as we would like
23 to keep that continuity in San Diego County, Lemon Grove
24 needs something we can live with internally. So not that
25 we want to gut that or anything of that nature, but I

1 think that it will be similar. But it's not going to be
2 at that same level. We just simply don't have the staff
3 to do it. We have contract building inspectors. Like I
4 say, most people are doing two and three and four jobs at
5 this point. But we're very comfortable with the -- we
6 know we need one. While Lemon Grove is a built-out city,
7 redevelopment is on the horizon. Demolition will be a
8 very big issue in the coming years. And so we need a
9 mechanism to deal with those kinds of things.

10 CHAIRPERSON MARIN: I know the bigger issue for
11 the entire county of San Diego is whether this policy
12 should be one that is mandatory versus voluntary. What is
13 your staff recommendation going to be? Not to put you on
14 the spot or anything like that.

15 MS. KRABER: As Ester was saying, that's above my
16 pay grade as well. We would like to see it mandatory.

17 CHAIRPERSON MARIN: We would, too.

18 MS. KRABER: I'm not sure that we've got enough
19 of a read on that yet. But that's our hope at this point.

20 CHAIRPERSON MARIN: Good.

21 MS. KRABER: We think that's the thing that works
22 best.

23 CHAIRPERSON MARIN: Okay. I think you will have
24 absolutely nothing but praise from this Board if that
25 would be what the Council agrees to do. And if we need

1 to, we will be more than happy to call your City Manager
2 or your City Council or your Mayor. I believe --

3 MS. KRABER: Our City Manager is very much on
4 board with the mandatory ordinance. At this point with
5 him wearing so many hats, I don't know the degree to which
6 conversations have been had with Council so far. So that
7 first meeting in September will give us a lot better idea.

8 CHAIRPERSON MARIN: Okay. I know Mr. Washington,
9 if he was here, he would be saying, "I will go to your
10 City Council meeting." We may volunteer him to do that.

11 COMMITTEE MEMBER PEACE: It says staff recommends
12 a procurement policy, recycled content procurement policy.
13 So you don't have one at this point?

14 MS. KRABER: No. In the last several years,
15 we've done that on more of an informal basis. And I think
16 we do a pretty darn good job at that. But it's one of
17 those things, as staff is reduced, some of those kinds of
18 things have just simply not gotten done. But it is -- I
19 came up here with a commitment to get that done by
20 November of this year. So I think the two things, the C&D
21 ordinance and the procurement policy, will be in kind of
22 that mid fourth quarter.

23 CHAIRPERSON MARIN: You know, I know that you've
24 been here for the entire time of this Committee. Even
25 with some of the best programs in place, sometimes the

1 numbers are not there for some jurisdictions. But we do
2 know what works. And we do know that if you have some of
3 these policies, just by the sheer fact that you have them,
4 the numbers do go up. In some rare instances for other
5 reasons, that is not necessarily the case, in some
6 institutions. But for the most part, we know what works.
7 And that is why we really encourage jurisdictions to adopt
8 these policies.

9 And from our perspective here, we know a C&D
10 ordinance works in cities. We know a procurement policy
11 works, definitely. We know if you use RAC, your diversion
12 rate is going to go up. And we know that. That's why we
13 encourage that.

14 So you're at a good place. I wish you were at 50
15 already. But this should get you there.

16 Any further questions for Lemon Grove?

17 COMMITTEE MEMBER PEACE: My husband and I bought
18 our first home in Lemon Grove.

19 CHAIRPERSON MARIN: Did you recycle at that time,
20 Ms. Peace?

21 COMMITTEE MEMBER PEACE: No. There wasn't any
22 recycling.

23 CHAIRPERSON MARIN: Okay. Well, thank you very
24 much, Barbara, for being here with us today. We really
25 appreciate it. We'd like to see that ordinance as soon as

1 possible.

2 Okay. Oroville, anybody here from Oroville? And
3 just state your names for the record.

4 MR. PETERS: Yes. Carl Peters.

5 MS. HASLEM: Phelicia Haslem, City of Oroville.

6 CHAIRPERSON MARIN: I didn't get the name.

7 MS. HASLEM: Phelicia.

8 CHAIRPERSON MARIN: Okay. Go ahead.

9 MR. PETERS: We wanted to first thank the Chair
10 and the Board members for allowing us to be here today.

11 CHAIRPERSON MARIN: I visited your county.

12 MR. PETERS: Have you? How long ago?

13 CHAIRPERSON MARIN: About a month and a half ago,
14 two months ago.

15 MR. PETERS: Did you enjoy it?

16 CHAIRPERSON MARIN: Of course. I love visiting
17 all the counties. So far I've visited 42.

18 MR. PETERS: I've visited three, but I've been
19 there six years.

20 Again, we're here today to answer any questions
21 that you have, as well as to talk about what we've
22 accomplished, what we hope to accomplish, and the means to
23 those ends to accomplish those things.

24 In '94, the City of Oroville undertook a
25 progressive step in addressing AB 939 by constructing and

1 siting the only MRF in Butte County. Still to this date
2 it is the only MRF in Butte County. At this facility,
3 both clean and dirty materials are processed. The City
4 offers comprehensive programs to all residents and
5 businesses, including, but not limited to, residential --
6 there's mandatory service, which includes mandatory
7 curbside, which was implemented during the last time
8 extension. Mandatory curbside yard waste, waste
9 processing, meaning that even after we have those
10 programs, the residual garbage that we're collecting,
11 we're processing that regardless also. Free green waste
12 drop-off, free household hazardous waste drop-off,
13 materials exchange included with household drop-off,
14 construction and demolition recycling, buy-back centers,
15 commercially and industrially mandatory service again,
16 including waste processing.

17 Again, the dirty word coming in there again. But
18 we're trying to do both things. We actually switch back
19 and forth from dirty to clean processing. Commingled
20 recycling pickup, white office paper pickup, cardboard
21 service, wood recycling, inert recycling, plastic
22 recycling, and of course construction and demolition
23 recycling, which again during the last extension we made
24 significant improvements to, also.

25 In addition, at the City level, ongoing

1 procurement programs are going from more in-house programs
2 to adopted ordinances to help strengthen those. Again,
3 the standard things that you see at most places, recycled
4 paper content. The things you would expect to see on
5 there into more things of the fact we use re-refined oil
6 on all City equipment, reclamation of concrete for use as
7 base fill or on public road projects, reuse and blending
8 of paints for different City projects.

9 So in spite of all these really aggressive and
10 thorough programs, we're still working on achieving that
11 50 percent. And we feel there's no question that the
12 extension will allow us to continue to move forward and
13 make those improvements. One of the first things we want
14 to do and go back to is to stiffen the already existing
15 ordinance we have for delivery of all the material to the
16 materials recovery facility.

17 And the first reason is that we want to reduce
18 the amount of material being hauled out in violation of
19 the ordinance requiring they come to the facility. You
20 have an issue of a landfill in the county where you're
21 sitting at \$23 a ton versus \$40 a ton for the processing.
22 There's an issue of economics there where people will try
23 to shoot it out of our facility and shoot over to the
24 county and, of course, save them money.

25 Again, we always try to make sure people

1 understand you're bidding apples to apples, because
2 everybody is supposed to be processing. And we know it
3 happens, that the material is getting out. So that's one
4 of the first things we want to do is recapture that
5 material which generally runs anywhere from 40 to 60
6 percent recoverable material that they're shooting out.

7 This will be accomplished by requiring submittal
8 of recycling plans, along with the permit process as well
9 as the requirement of processing, which already exists.
10 So, again, we're trying to do more things to tie up people
11 to make sure we can get them to bring it to the facility
12 where it can be processed.

13 And to further ensure that's what's happening, in
14 November 2004, the City added a code enforcement officer
15 to help with that process. Because we had a part-time
16 person. Person left. Replaced the part-time person with
17 a full-time person, because there are so many mom and pop
18 roofers, construction guys that set up shop, tear off a
19 roof, tear down a building, tear down a wall, and take it
20 out to the landfill. So we're trying to make sure we can
21 get our hands around all these people to make -- and,
22 again, the City is looking at even adding an additional
23 enforcement officer to help control that outflow of
24 material.

25 School recycling. The schools figured out, gosh,

1 about four or five years ago that they weren't tied to the
2 jurisdictional requirements of the City's franchise and
3 says, "We put our stuff out to bid, we can probably save a
4 lot of money by not having all these programs." That's
5 exactly what happened. And working with the City, we've
6 run and run and run again at the schools trying to get
7 them to implement programs with all the time -- you know,
8 understand with staffing, cost issues, not wanting to get
9 into it.

10 And so, finally, again, myself and the recycling
11 coordinator met with all the schools and said, "Tell you
12 what. We'll implement the programs. You set up the
13 meeting. Let us introduce ourselves to the principals,
14 and we'll go school by school by school and we'll
15 re-implement programs." About three months ago, we met
16 with the superintendent and all the principals. And,
17 interesting, because, you know, you deal with things on a
18 high level and you keep hearing nobody wants to do it,
19 nobody wants to do it. And then you sit there with all
20 these principals -- and I think part of it is we are
21 saying, look, we'll carry the cost. We'll implement the
22 programs. They love the idea and think it's great. So
23 starting this fall when the schools come back in, we're
24 going to go school by school by school starting with the
25 high schools, going to elementary schools to implement

1 programs.

2 CHAIRPERSON MARIN: You know, we have excellent
3 programs that we can help you. We can help you with the
4 technical assistance. We have an entire department that
5 works with schools. And as a matter of fact, later on
6 we're going to talk about something --

7 MR. PETERS: And we are excited about that, too.
8 It's just something that got away from us. And, again, we
9 have to do it. So we're going to do that.

10 One of the other things also I think is a very
11 good effective program, about three years back -- and we
12 had a different recycling coordinator at the city at the
13 time who we lost him. He was in a devastating accident.
14 He had started these waste audits and just actually done a
15 great job of getting businesses to work with businesses to
16 recognize, hey, you need this kind of material. Well,
17 this guy generates that kind of material. And he started
18 getting all these businesses sort of like a remix thing
19 where they're just bang, bang, bang. Everybody is trading
20 waste.

21 And also what he found out is despite all the
22 constant monthly bombardment of you can get additional
23 white paper at no extra charge, you can get cardboard
24 programs no charge, people weren't doing it. And so what
25 the waste audits always allowed him to do at that time,

1 and we see us re-implementing, is getting these people,
2 making sure that they understand what they have and what
3 can be recovered. I heard you talk about the fact if it
4 goes in the garbage, it's dirty. And you lose so much of
5 it to contamination, one of the reasons we said we want to
6 put in curbside recycling for the residents.

7 So, again, we feel like going back to the
8 program, looking at some of these drywall programs that
9 are out there, we're seeing some carpet padding people
10 coming in and a lot of people doing remodelings, so we can
11 grab some of that material.

12 And probably the last and most important thing we
13 want to do is a review of the base year tonnage and also
14 to see if a generation-based method would be a better idea
15 for the City of Oroville. We think so, given the fact
16 that every program that we come up with, we've
17 implemented, and we're still not where we want to be.
18 We've plateaued, and we should be further along, given
19 what we accomplished with the last extension. There's
20 still something out there we've missed that's just not
21 allowing the City to get to where it needs, which is
22 beyond and over 50 percent.

23 And Phelicia and I talked about it. We think we
24 can hit zero by the year 3000. And we look forward to
25 that meeting with you guys.

1 And then the other thing, too, is to look at this
2 disposal reporting accuracy, which we think we've missed
3 something there, too, talking with the County and looking
4 at self-haul numbers. There's some things that aren't
5 jiving right. And we know that the County is now moving
6 towards ongoing real time, where is your stuff coming
7 from, as opposed to looking at survey weeks. And we think
8 there's a lot to be said for that, too.

9 And having looked at just the last quarter where
10 Oroville looked at live numbers of where every bit is
11 coming from instead of survey weeks, we think we're going
12 to see some tonnage shift back out over into the county as
13 well, which would be a pretty accurate assessment. And to
14 accomplish that task, the City has passed a fee that will
15 pass on which will allow us to hire an additional staff
16 person.

17 Because, again, looking at doing all of these
18 things requires a lot of time and patience and somebody
19 that can get ahold of people, especially when you start
20 talking about generation based studies. There's so much
21 involved to get to everybody and reintroduce ourselves and
22 figure out is this the way we want to report the tonnage.
23 Not only are we putting in what we think are the plans to
24 do it, but we're getting the mechanisms in place to
25 accomplish those things. That's what we feel this

1 extension is going to do, tweak those last things out of
2 it.

3 CHAIRPERSON MARIN: You're at 44. So I know that
4 one of the items here that you have is your C&D and
5 hopefully if you enforce it -- I'd like to see it's more
6 than the 3 percent. I would hope it would be more than 3
7 percent.

8 MS. HASLEM: We recently increased our -- beefed
9 up our ordinance we previously had. Now we do require --
10 we actually have a C&D ordinance all by itself to require
11 anyone that pulls a building permit over 100 square feet,
12 they have to give us what they're going to do and show us
13 the receipts they actually brought it to Norcal. Because
14 we do feel that was a big part of what we were missing.
15 People were getting out. So now if they pull a building
16 permit, they must show us they took it there and give us a
17 receipt.

18 MR. PETERS: Very similar to the program one of
19 the folks presented where they have to resubmit after the
20 project is completed that the material has been submitted
21 for processing. We can't tell you how many times that,
22 you know, at 6:00 in the morning you see a guy with an end
23 dump shooting out seven trucks real fast. And we look at
24 the self-haul numbers going into the landfill. Phelicia
25 and I will sit there and look at the numbers and go, where

1 did that 900 tons come from? And, you know, we could sit
2 there and do the math, well, let's see. If a stream of
3 150 pickup trucks on Saturday and Sunday drove over to the
4 landfill, maybe they could get 900 tons.

5 So that tells us there's something wrong there.
6 It's either a disposal accuracy issue or an issue where
7 some of these big projects with the heavy weights, these
8 land clearing companies, are popping the stuff out. And,
9 again, with the addition of the code enforcement guy,
10 which is getting under everybody's skin, but that's what
11 he should do, is really getting his hands around it. And
12 he's doing a great job.

13 MS. HASLEM: And our Council is on board, and
14 they are planning to have an auditor look at all of our
15 programs and to go out and do the waste audits.

16 CHAIRPERSON MARIN: Excellent. Excellent. Thank
17 you.

18 Any questions for them?

19 COMMITTEE MEMBER WASHINGTON: Joanne Vorhies,
20 raise your hand. You guys see her? They have an
21 excellent Ambassadors Program through the schools that you
22 guys will find very beneficial.

23 CHAIRPERSON MARIN: Just so that you know, Mr.
24 Washington, we volunteered you to go to the city of Lemon
25 Grove.

1 COMMITTEE MEMBER WASHINGTON: Okay. No problem.

2 I will go. If it's going to help their numbers, I'll go.

3 CHAIRPERSON MARIN: See. I told you. He will be
4 the first one to say, "I will go and meet were your City
5 Council."

6 COMMITTEE MEMBER WASHINGTON: Oh, yeah, specially
7 those City Councils.

8 CHAIRPERSON MARIN: I don't know if you want him
9 there, Barbara.

10 COMMITTEE MEMBER WASHINGTON: Be glad to.

11 COMMITTEE MEMBER PEACE: So do we have a new
12 revised Resolution, or you just want me to improvise?

13 DEPUTY DIRECTOR SCHIAVO: We'll have it for the
14 Board meeting, the revised one, but you can go ahead.

15 COMMITTEE MEMBER PEACE: I'd like -- should I say
16 move Resolution 2005-198 Revised?

17 DEPUTY DIRECTOR SCHIAVO: Revised.

18 COMMITTEE MEMBER PEACE: Consideration of the
19 Second SB1066 Time Extension and Application for the
20 Following Jurisdictions: Blythe, Riverside County;
21 Fillmore, Ventura County; Lemon Grove, Oceanside,
22 San Diego; Oroville, Butte County.

23 CHAIRPERSON MARIN: Second, Mr. Washington?

24 COMMITTEE MEMBER WASHINGTON: Second.

25 What about Loma Linda?

1 CHAIRPERSON MARIN: That's coming next month.

2 COMMITTEE MEMBER WASHINGTON: Second.

3 CHAIRPERSON MARIN: Moved and second. Without
4 objection, that will be the order. And we will place this
5 on consent and substitute the previous roll call.

6 Let me see it. It's noon. Let me ask -- I
7 thought we were going to be over. Let me ask my
8 colleagues what they want to do. Does anybody need a
9 lunch break? They're all passing out before us. There's
10 one request. Only one person. We'll keep going.

11 Don't ask any more questions, Ms. Peace. You'll
12 have one question to ask per jurisdiction, so ask it well.
13 But don't ask all the questions in the first question.

14 Okay. The next item will be Item Number 8, the
15 City of Coachella.

16 DEPUTY DIRECTOR SCHIAVO: Melissa Vargas will
17 present.

18 MS. VARGAS: Good morning, Committee members,
19 afternoon.

20 Board staff has reviewed and verified the City of
21 Coachella's request for a first time extension to meet
22 their AB 939 goal. And we are recommending approval of
23 this agenda item. Representatives from the City are here
24 to answer any questions you may have.

25 This concludes my presentation.

1 CHAIRPERSON MARIN: Thank you. I don't know if I
2 should have Mr. Santilan come. All the driving. I
3 remember you.

4 MR. SANTILAN: Well, thank you very much, Madam
5 Chair. Felíz cumpleaos.

6 Cheryl, very good to see you again.

7 COMMITTEE MEMBER PEACE: So good to see you
8 again, Jerry.

9 MR. SANTILAN: And, Carl, thank you very much for
10 having us out there.

11 COMMITTEE MEMBER WASHINGTON: Oh, hi, Jerry.

12 COMMITTEE MEMBER PEACE: You were hiding over
13 there.

14 MR. SANTILAN: I was. I was hoping you'd take
15 one more item. But thanks very much.

16 Melissa, thank you very much for recommending the
17 forward action the Council is taking on.

18 Let me introduce to you our COUNCIL MEMBER
19 Eduardo Garcia, who's here with us, and also Steve Brown,
20 who really knows what's going on. I just sit up here and
21 try to act like I do.

22 Over the last couple of years, Coachella has
23 maintained a steady growth. In 2002 to 2003, every single
24 year since then we have increased our population by about
25 25 percent. I started at Coachella about two years, three

1 months ago at approximately 21,000. We're at 36,000
2 today. I'm considering a proposal this week that will
3 triple increase our population and build-out 300 percent
4 from today. So we're growing at a little over 25 percent
5 annually compounded. And again, we're taking these
6 things.

7 So this growth has taken us by surprise where we
8 have implemented the ordinances as you can see and have
9 developed our construction draft recycling ordinance. But
10 we've also put in an urgency procedure where not only are
11 we bonding -- asking those folks to bond recycling for
12 each subdivision, but we're now considering a per unit
13 cost on each house. So if they don't meet it, they don't
14 get their money back. So we're going from a \$50,000 bond
15 they have to give us up front to do this mandate, we're
16 now increasing it. And it may end up being a per unit
17 cost which could be 2- to 300,000, depending on the number
18 of units that's going on.

19 So we're getting the grasp of it and meeting the
20 needs. We're at 46 percent with the green waste
21 residential recycling program and implementing. All the
22 materials are coming out in bilingual. As you know, our
23 community is 96 percent Mexican or Latino. We're going
24 door to door and also with our water bills putting these
25 materials out.

1 It's an exciting time to be in Coachella. But
2 with this unprecedented growth that we have, we are up to
3 the challenges, also increasing our staff to bring all
4 these programs today.

5 Steve, is there anything else that you want to
6 add? By the way, it's good to see you all.

7 CHAIRPERSON MARIN: Thank you, Jerry. Thank you
8 for being here. We really appreciate it. We noticed that
9 you were at 52, 52 percent, and then just the last few
10 years we had was 46 percent. And so as you can tell, we
11 wouldn't like that trend. We want to do everything you
12 can to go beyond the 52 percent. You are going to say
13 something about how you're going to get that done.

14 MR. BROWN: Absolutely. Thank you, Madam Chair
15 and members of the Commission and Melissa.

16 CHAIRPERSON MARIN: Steve Brown.

17 MR. BROWN: I'm sorry. My name is Steve Brown.
18 I'm the Director of Neighborhood Services for City of
19 Coachella.

20 And the City is always very proud to be at above
21 50 percent and maintaining that diversion rate, and we
22 were very concerned, the staff, the City Manager, and the
23 City Council, when we dropped down to 46 percent. We have
24 as of last year implemented mandatory curbside recycling
25 for recyclables, and we are now instituting green waste --

1 mandatory green waste recycling, and that's beginning next
2 month. I'm currently reviewing the brochures that are
3 going out bilingually with Waste Management to make sure
4 they include all the information.

5 Additionally, the Coachella Valley Association of
6 Governments did do a model ordinance for the valley
7 similar to what San Diego County is doing. And we have
8 reviewed it, our city attorney has reviewed it and
9 approved it. As Jerry was saying, we weren't happy with
10 the deposit rate and the Council and wanted to up it. And
11 we revised it, and it will hopefully go to the August 24th
12 meeting for approval. If not, certainly no later than the
13 meeting in September, and we'll be implementing that.

14 CHAIRPERSON MARIN: And we have Council Member Ed
15 who will attest to that. And you're going to be the
16 leader.

17 COUNCIL MEMBER GARCIA: Absolutely.

18 Thank you, Madam Chair, members of the Board.

19 We are making every effort to comply with the
20 State's AB 939 requirement. The Council is on board with
21 this, and we're looking forward to coming back here and
22 reporting that we did exceed the 50 percent requirement.

23 A side note, want to thank you for coming out to
24 Coachella Valley High School last year and speaking to our
25 young students there. I think you were very motivational

1 for many of our young women, as well as our young men
2 there at the high school. So thank you.

3 If you have any questions, I'd be more than happy
4 to answer them.

5 CHAIRPERSON MARIN: We appreciate the work that
6 you guys are doing. I know that your community has some
7 of the language barriers that Ms. Peace has spoken about,
8 and you guys are doing a very, very good job in bridging
9 that gap. So we congratulate you. We want you to get to
10 over 52 percent. And with your waste hauler, I'm sure
11 you'll do that. But please send a message to your Council
12 that we'd love to see the adoption of the ordinance as
13 soon as possible.

14 COUNCIL MEMBER GARCIA: Absolutely.

15 CHAIRPERSON MARIN: Thank you.

16 COMMITTEE MEMBER PEACE: I just want to say with
17 the language barrier that you have, the poverty level at
18 almost 29 percent, those are some big barriers. And for
19 you to have the diversion rate this high and have all the
20 programs that you do, that's wonderful. You're doing a
21 great job.

22 CHAIRPERSON MARIN: Thank you.

23 COMMITTEE MEMBER WASHINGTON: I'd like to move
24 adoption of Resolution 2005-199.

25 COMMITTEE MEMBER PEACE: Second.

1 CHAIRPERSON MARIN: Moved and seconded. We will
2 substitute the previous roll call and put this item on
3 consent.

4 Thank you. Now you can go.

5 Okay. The next item is Item Number 9.

6 DEPUTY DIRECTOR SCHIAVO: This has to deal with
7 the SB1066 Time Extension for Tulare County, and Zane
8 Poulson will present this item.

9 MR. POULSON: Good afternoon, Madam Chair and
10 Committee members.

11 Board staff has reviewed and verified the
12 Consolidated Waste Management Authority's request for a
13 time extension to meet their AB 939 goal and are
14 recommending approval of this agenda item. The
15 representative from the Consolidated Waste Management
16 Authority is here to answer any questions.

17 This concludes my presentation.

18 CHAIRPERSON MARIN: Thank you.

19 And who's here from beautiful Tulare County?
20 State your name for the record.

21 MS. MERCADO: I'm Lori Mercado. I'm the
22 Administrator of the Consolidated Waste Management
23 Authority. And I would like to say good afternoon and
24 thank you for hearing a second item so I can get home,
25 too.

1 Consolidated Waste Management Authority is a
2 regional agency that represents the eight incorporated
3 cities in Tulare County. Unfortunately, it does not
4 include Tulare County, although we've been working with
5 them to get them included in our Authority. That makes it
6 a little difficult, as Tulare County has control over the
7 landfills and much of the waste stream.

8 We were very pleased from 1997 to 2001 to have
9 met or exceeded the 50 percent goal. In 2002, we dropped
10 to 49 percent and understood that was probably based on
11 the diversion calculation. We were very surprised in 2003
12 to have dropped to 44 percent.

13 In identifying the numbers, the tonnages coming
14 out of the cities and from the city programs didn't raise
15 significantly at all. The vast majority of that increase
16 was from self-haul to the county landfills, which again we
17 have very little control over. And looking at the
18 county's numbers, their numbers dropped in the same year
19 that ours increased substantially. So there are some
20 allocation issues that we've had in the past and that we
21 are trying to address.

22 We also had significant growth, so we're looking
23 at a C&D ordinance that's going to be placed -- it's a
24 model ordinance that will be placed before our Board on
25 the 25th of this month. The anticipated adoption by our

1 Waste Board on the 25th. And it will go to all of the
2 eight cities before the 31st of October. We can't
3 guarantee that they will have adopted it by the 31st, but
4 it will at least be presented to the eight cities. It's
5 currently modeled on the County of Los Angeles draft
6 ordinance. It will include a set requirement. We're
7 looking at approximately 50 percent for most C&D and 75
8 percent for inerts. There will be a penalty involved for
9 non-complying organizations. So we're taking that very
10 seriously.

11 We're also looking -- we've started sending
12 things to transformation. That began in May of this year.
13 Our Board is behind transformation but doesn't want to see
14 it as a long-term solution. It is at somewhat of a
15 stop-gap until we can get C&D going good and strong and
16 hopefully address the self-haul issues. We're increasing
17 commercial green waste in all of the eight cities.

18 We've also addressed the issue of staffing. It's
19 been a problem in the past. The eight cities have all
20 donated staff to the Authority. There hasn't been an
21 actual identified staff person. That changed at the July
22 meeting where the Board addressed that need and has agreed
23 to fund a full-time person, which is me, started July 1st.
24 I've been doing the job for one of the member agencies,
25 and it's going to be specified that's the only job I do,

1 which will give me an opportunity to work with the eight
2 cities a lot more closely.

3 We also do -- even though Tulare County is not
4 part of our agency, we work very closely with them,
5 especially on outreach to try to get the cooperation
6 going. We see that as a partner for us. We do a lot of
7 outreach in English and in Spanish.

8 CHAIRPERSON MARIN: Well, you are doing
9 everything that you need to be doing. Now the only
10 question is -- I really appreciate the fact that you're
11 going to go to all of the eight cities. And some cities,
12 because of their calendars, the best guess if all of them
13 were to adopt it by the end of the year, all eight
14 cities --

15 MS. MERCADO: We're hoping to adopt it by the end
16 of the year. We are at the mercy of the eight cities and
17 their Councils. And we're trying to do a lot of front end
18 work with the cities so they understand it before it comes
19 before them.

20 We also have scheduled meetings with our Building
21 Association to try to get their buy-in on it so they
22 understand that, you know, the intention is not to collect
23 penalties. The intention is to get that waste stream
24 diverted. And many of our builders are already doing it.
25 And we want them to understand that, you know, we just

1 need you to continue to do what you're doing and
2 addressing the builders who aren't, so there's equity for
3 all of them. There's a lot of issues with the cities
4 wanting to make sure the ordinances are the same or
5 reasonably the same for everybody so there's not any
6 preference with the cities.

7 CHAIRPERSON MARIN: Good. That's good. That's
8 one of the good things about an Authority, where everybody
9 comes in, and they're not concerned -- in other areas of
10 the state, some cities feel if they pass this ordinance,
11 that it will be detrimental and that other cities and
12 other developers will want to develop somewhere else where
13 there's not an ordinance.

14 MS. MERCADO: Right. And that has been an issue
15 with some of the individual cities in the past. But now
16 that we have the buy-in from our Board, who strongly
17 supports the ordinance, a model ordinance in each of the
18 cities, we anticipate them going smoothly.

19 CHAIRPERSON MARIN: Excellent.

20 Ms. Peace, you have a question.

21 COMMITTEE MEMBER PEACE: My standard question, do
22 you have recycled content procurement policy?

23 MS. MERCADO: We do in seven of the eight cities.
24 And I'll be honest. We didn't realize the city of Dinuba
25 had not adopted one. They are putting one before their

1 Board on September 13th.

2 COMMITTEE MEMBER PEACE: Do you know what you
3 encourage them to buy other than paper and toner
4 cartridges?

5 MS. MERCADO: I would have to look at the actual
6 policy. They based it off of one of the other city's
7 policies which is based on the Board's policy. I think it
8 requires procurement for city contracts -- I'm sorry --
9 building -- I'm losing my train of thought. Sorry about
10 that. It requires recycled content for any city
11 contracts. It also requires a certain recycled content or
12 preference for recycled content for any purchasing, not
13 just for paper.

14 COMMITTEE MEMBER PEACE: That's what we need to
15 see, not only paper and toner cartridges, but rubberized
16 asphalt concrete, recyclable air filters or re-refined oil
17 for your city and county vehicles, the re-recycled paint
18 that you can use on City offices and schools. Purchasing
19 all those things keeps stuff out of the landfills.

20 MS. MERCADO: And the Authority itself, we do
21 minimal purchasing because we are more of a co-op. But at
22 least 75 percent, if not more, of our purchasing has been
23 recycled content. We take that very seriously. And I
24 know that at least three of the cities in the Authority
25 are currently looking at rubberized asphalt and

1 potentially using that in the next year.

2 COMMITTEE MEMBER PEACE: Thank you.

3 CHAIRPERSON MARIN: Thank you so very much for
4 coming. And now you can go home.

5 MS. MERCADO: Thank you.

6 CHAIRPERSON MARIN: City of Tulare, is there a
7 motion?

8 COMMITTEE MEMBER WASHINGTON: I move adoption of
9 Resolution 2005-201.

10 COMMITTEE MEMBER PEACE: Second.

11 CHAIRPERSON MARIN: Okay. We will substitute the
12 previous roll call. And we will put this item on consent.
13 Okay.

14 DEPUTY DIRECTOR SCHIAVO: Item I will be also
15 presented by Zane, and this is Consideration of
16 Application for an SB1066 Time Extension by the City of
17 Imperial Beach.

18 CHAIRPERSON MARIN: Go ahead. Make your
19 presentation.

20 MR. POULSON: Board staff have reviewed and
21 verified the City of Imperial Beach's request for a time
22 extension to meet their AB 939 goal and are recommending
23 approval of this agenda item. Representatives from the
24 City are here to answer any questions.

25 This concludes my presentation.

1 CHAIRPERSON MARIN: Thank you.

2 And we have Susan Collins representing the City.
3 Thank you very much for being here. I know the City has
4 gone from 50 to 48 to 45 now or something like that. And
5 it concerns us. You realize that; right?

6 MS. COLLINS: Right. And I've been listening
7 very carefully to all of the questions this morning as
8 we've merged into the afternoon here, and I know mine will
9 not be the only rumbling stomach in the next few minutes.
10 So I've taken notes on your questions, and I've organized
11 a series of comments that I think will address at least
12 the majority of them, so I can run through that very
13 quickly. And any other questions that you have, I'll be
14 happy to answer it. The City's hauler is also here.

15 CHAIRPERSON MARIN: Who's the City's hauler?

16 MS. COLLINS: It is Edco.

17 CHAIRPERSON MARIN: The good people from Edco.

18 MS. COLLINS: So between the two of us, we should
19 be able to answer any questions that you have. And Zane
20 has been working very closely with the City for a number
21 of years, too, and was very actively involved in putting
22 together the City's SB1066 time extension.

23 So the overall story is that the city was at 50
24 percent in the year 2000, and that had followed on an
25 upward trend of diversion rates. But then it dropped to

1 45, then went back up to 48, then came back to 45. So now
2 we're in the position of asking for a time extension,
3 finding out in 2005 what the 2003 diversion rate was.

4 And the one key to this City's diversion rates
5 going up and down is that it's a very small jurisdiction.
6 A reduction of only 1,910 tons in 2003 was the difference
7 between them being at 45 percent and 50 percent. I mean,
8 in some jurisdictions, they can do that in a day. In some
9 jurisdictions, in a lot of jurisdictions, they can do that
10 much waste in a week. But for this city, it was the
11 difference between 45 and 50 for the whole year.

12 So, generally, the City is very pleased with the
13 progress of its programs. Its current plans I'm going to
14 break down into two areas: The things under the City's
15 and hauler's control, and the things not under the City's
16 and hauler's.

17 The City is planning to look at the single family
18 and multi-family residential programs that have been in
19 place at least through this current contract, which is
20 1999. The challenge there is that there's a very
21 transient population, because there's a lot of navy
22 families. The City is constantly reeducating the family.
23 The City has had some good luck working with multi-family,
24 because at least 50 percent of the population lives in
25 multi-family dwellings. There have been some terrific

1 cooperation with a lot of the apartment complex owners,
2 and then there's been some not so terrific cooperation.
3 So the City is going to be working on the parts that
4 aren't working.

5 The things that are not under the City's control:
6 First of all, C&D, although the City worked very hard with
7 Edco to bring that under control doing sort of a hybrid of
8 what you guys heard about in Temecula. It's not quite as
9 rigorous on the paperwork process where it requires the
10 paperwork saying you must sign off on this requirement
11 when you get a building permit. But everyone who does
12 construction in the city must use Edco as their hauler for
13 that roll-off construction. And Edco is recycling it.
14 And they have places to take source separated materials.
15 However, there's not good infrastructure in that part of
16 the county for mixed C&D. So if it's mixed, that presents
17 far more of a challenge to the City.

18 So what the City is doing now with C&D is it has
19 a draft C&D ordinance. The plan is to have a meeting with
20 the contractors in September, because that was a
21 requirement of the City Manager. He wanted there to be a
22 public meeting, and then have it go forward to the Council
23 in October after the comments from the public meeting have
24 been received.

25 The other two things that are not under the

1 City's control are the school district. And it's strange
2 for as small a jurisdiction as it is, they have eight
3 schools. I think they have six elementary schools and a
4 middle school and a high school. They have more schools
5 than you would expect in a very small jurisdiction.

6 And then the other thing they have is a small
7 naval facility in their jurisdiction. And there's some
8 recycling going on at those two facilities. It's not all
9 within the City's control. But the Integrated Waste
10 Management Board through Zane has offered to be sort of a
11 liaison to work with those two other agencies. So I think
12 that shows a lot of promise.

13 And the other thing we're doing right now is with
14 these five programs, all of them could require a little
15 bit of effort or a lot of effort. There's a lot of
16 different ways you could go with these five programs. And
17 what we're doing right now is a five-year trend analysis
18 in looking at the tonnage trying to identify the tonnage
19 from every single one of these programs. So if the Navy
20 is the biggest problem, that's where we're going to focus
21 the most effort. If C&D waste has gotten completely out
22 of hand and we didn't know about it, that's where we'll
23 focus the most effort. We're prioritizing based on the
24 basis of tonnage.

25 And the last thing I want to bring up is

1 procurement. The City has had a policy in place since
2 1998. It's a standard policy across all materials. It
3 doesn't focus on materials. It just says, you know, thou
4 shalt buy recycled. But the City has never gone back and
5 looked at how it actually works in practice. And I'm not
6 sure to what extent they're purchasing this type of
7 material or that type of material, especially RAC. So the
8 City has asked us to do a review of the policy, number
9 one, to make sure the policy is state of the art, and to
10 get some feedback on how it's actually working in
11 practice.

12 CHAIRPERSON MARIN: You answered all of her
13 questions. So now what do we do? I'm shocked.

14 MS. COLLINS: There's rumbling stomachs out
15 there, and I didn't want to be the one keeping everybody
16 from lunch.

17 CHAIRPERSON MARIN: No. I like the fact that the
18 City ordinance will take place. I appreciate it.

19 Mr. Washington, anything?

20 COMMITTEE MEMBER WASHINGTON: No, Ma'am. I'd
21 like to move adoption of Resolution 2005-202.

22 COMMITTEE MEMBER PEACE: 01.

23 CHAIRPERSON MARIN: 01.

24 COMMITTEE MEMBER PEACE: No. Did I go the wrong
25 way? 201, right? Which are we on? I have the wrong

1 Resolution in my package. I have the wrong Resolution.

2 CHAIRPERSON MARIN: It's also wrong in the --

3 COMMITTEE MEMBER WASHINGTON: Resolution 202.

4 COMMITTEE MEMBER PEACE: I have Resolution 201 in
5 this package.

6 CHAIRPERSON MARIN: It's misplaced.

7 COMMITTEE MEMBER WASHINGTON: Resolution 202.

8 COMMITTEE MEMBER PEACE: Second.

9 CHAIRPERSON MARIN: All that great presentation
10 was for the wrong city. How's that? The next city is
11 going to come in and thank you very much.

12 Moved and seconded, Resolution 202, we will
13 substitute the previous roll call and place this item on
14 consent. Thank you very much.

15 Now for Resolution 203. Okay. Thank you. Give
16 our best to your friends from Edco. Thank you.

17 City of Victorville, who's going to make the
18 presentation?

19 DEPUTY DIRECTOR SCHIAVO: Actually, J and K or 11
20 and 12 we'd like to combine. These are applications for
21 the 1066 time extensions for Victorville and Yucaipa.
22 Rebecca Brown will present these items.

23 CHAIRPERSON MARIN: Good afternoon, Rebecca.

24 MS. BROWN: The City of Victorville has requested
25 a first SB1066 time extension through December 31st, 2005,

1 to provide it with additional time to implement the
2 programs in its Plan of Correction. Staff's analysis of
3 their request is that it is reasonable, given the barriers
4 the City is facing.

5 Also, the City of Yucaipa has requested a first
6 SB1066 time extension through December 31st, 2005, to
7 provide it with additional time to implement the programs
8 in its Plan of Correction. Staff's analysis of the
9 request is it is also reasonable, given the barriers the
10 City is facing.

11 Board staff has determined the information
12 submitted in these applications has been adequately
13 documented and recommends the Board approve the City's
14 time extension requests. John Davis is here representing
15 the City of Victorville, and Mike Glasson representing the
16 City of Yucaipa. He is with the hauler. So they're also
17 available to answer your questions. Thank you.

18 CHAIRPERSON MARIN: Thank you, Rebecca.

19 Okay, Mr. Davis. You've seen the torture we put
20 everybody else through. So avoid it.

21 MR. DAVIS: I will try to follow Susan Collins'
22 model of anticipating your questions.

23 My name is John Davis. I administer the Mojave
24 Desert and Mountain Recycling Authority. We're an eight
25 member Joint Powers Authority that includes the City of

1 Victorville. We provide regional programs and assistance
2 for the communities in the high desert and San Bernardino
3 County.

4 You should know that the City of Adelanto, I
5 think which is one of your compliance cities, City Council
6 approved a budget that includes their participation in the
7 Joint Powers Authority. So we're looking forward to
8 helping them as well.

9 As far as Victorville, I think the main programs
10 that Victorville is describing in their SB1066 petition,
11 most of that activity is of a regional nature. The
12 largest program is the self-haul diversion program focused
13 at San Bernardino County landfills. I was able to work
14 with San Bernardino County in defining that program. This
15 is something that we encouraged I think for the last 15
16 years, and it's finally coming to pass. So the first
17 stage of that is underway now. We're hoping that will
18 continue. And we think if it does, it will be a model
19 both in the implementation of diverting material that's
20 delivered to the landfills.

21 Also, the C&D ordinance that the Joint Powers
22 Authority has circulated to its members relies on that
23 program. So the implementation of the ordinance and the
24 adoption of the ordinance really is awaiting the roll-out
25 of this C&D program. The first three months of the

1 program are now completed. That was the time to determine
2 the true operating efficiency.

3 Basically, what's happening is that all self-haul
4 vehicles, including roll-offs, dump trucks, pickup trucks,
5 everything that is not a packer truck comes to the
6 landfill. If it's coming from a construction site, if
7 it's coming from a landscaper, it goes into a self-haul
8 point where it's then handled. Most of the recovery of
9 that is wood, green waste, metal, cardboard, and some
10 asphalt and concrete. There's a lot of dirt that gets
11 delivered. It's laid down on a dirt pad, so we're not
12 sure how to handle that yet. And we're figuring out the
13 cost of rolling it across the system.

14 The Cascadia study and the analysis study I did
15 for the Cascadia study showed we can expect diversion
16 somewhere in the 5 to 10 percent range of concentrated
17 loads, loads that are 50 percent more of self-haul
18 material. And without going into all the details, we
19 think Victorville's petition for a 4 percent recovery
20 through that program is very doable. In fact, that's
21 probably doable within the parameters of the wood and
22 green waste program, which was already underway when we
23 started the larger programs.

24 So the other elements of that, as I mentioned,
25 are construction/demolition ordinances. The Joint Powers

1 Authority put together an ordinance that basically has
2 three ways to comply for a builder. They can use the
3 franchise hauler program. The franchise hauler can then
4 deliver the material to the diversion point. The builder
5 can take material themselves to a list -- or a facility
6 that's identified that can handle material. And those
7 facilities do exist in the Victor Valley for source
8 separated wood, drywall, asphalt, and concrete, and
9 certainly metal and cardboard.

10 The third option would be to take it to a
11 landfill. So you either take it to a recycling facility,
12 you have the franchise hauler deliver it to the
13 appropriate facility, or you take it to the landfill where
14 it would be recycled. We think that pretty well closes
15 the loop, because that's all that's left is, take it out
16 in the ravine and dump it. And we'd like to know who
17 those people are, and that would help us identify them.
18 So the C&D ordinance and the efficacy of that ordinance
19 relies upon this landfill-based diversion plan.

20 The Joint Powers Authority also manages a
21 material recovery facility in Victorville. It's owned by
22 Victorville in Apple Valley. They issue bonds through the
23 Joint Powers Authority. They are the security for those
24 bonds. Burtec designed, built, and operates the facility.
25 Burtec is also the hauler. So we've got a synergy in that

1 facility that lets us continue to improve the operations.

2 We're underway now with an expansion, about a \$3
3 million upgrade and expansion. And we think that's going
4 to recover a lot more material that's now lost,
5 particularly the broken glass. We're also going to
6 improve the economics of this system substantially by the
7 upgrade. And the economics really drive our potential to
8 do other things.

9 One of the programs that we did put in place was
10 a green waste, food waste, and liquid waste compost
11 facility, one of three in Southern California. California
12 Biomass, it's located in Victorville. That was an RMDZ
13 project. I spent almost ten years identifying and
14 recruiting someone to come in. And so now we're hoping
15 we'll be in a position to utilize that facility. We're in
16 discussions to begin delivering food waste loads, which
17 are not a part of the petition, but we recognize that in
18 the high desert, green waste is a premium. It's difficult
19 to find. The places that put it in typically tear it out.
20 So we have to rely on the food waste. So that's the crux
21 of the petition for Victorville.

22 They do go back -- 65 percent of the commercial
23 accounts receive recycling either directly or through a
24 select program. The City staff is going back now on the
25 remaining 35 percent that are too isolated to be part of a

1 select program, working with them to bring them on board.
2 And the City Council in 1990 adopted a recycled
3 procurement policy. That policy has been in effect for
4 the last 15 years. And all the paper at the City is
5 recycled content and has been. They also have done
6 asphalt concrete I think for the last six years.

7 CHAIRPERSON MARIN: I think you answered all of
8 the questions. I would like to say that you're facing the
9 same situation with the City of San Francisco, because
10 there's very little green spaces. They've actually
11 created this wonderful program for food recycling,
12 composting actually, huge, huge. Really successful.

13 MR. DAVIS: As part of the RMDZ program, I mean,
14 I attended national biocycle conferences. We spent a lot
15 of time. I probably talked to a dozen different operators
16 trying to find someone whose business model fit the needs
17 of the area. And so we were fortunate to get California
18 Biomass. And then we put them next to a wastewater
19 treatment plant so they're using the reclaimed waste water
20 as the water source for their facility.

21 CHAIRPERSON MARIN: You know, I'm supposed to be
22 in Victorville very, very soon. Couple weeks or something
23 like that. So I'm going to stop by those facilities,
24 because it's truly amazing.

25 MR. DAVIS: Great. We'll show you around.

1 CHAIRPERSON MARIN: Any further questions? Any
2 further questions? Okay.

3 I know the presentation was for two, but why
4 don't we just take 2005-03. Is there a motion for that?

5 COMMITTEE MEMBER WASHINGTON: I'd like to move
6 adoption of Resolution 2005-203.

7 COMMITTEE MEMBER PEACE: This is Victorville?
8 This is 203?

9 COMMITTEE MEMBER WASHINGTON: 203.

10 COMMITTEE MEMBER PEACE: Okay. I'm sorry. I
11 thought you said 202. I go, no. We just went through
12 that.

13 Resolution 2005-203, second.

14 CHAIRPERSON MARIN: Okay. Moved and seconded.
15 And we will substitute the previous roll and we'll put
16 this on consent.

17 And now the city of Yucaipa. Let me see after --
18 we need a break. But we're going to take the City of
19 Yucaipa.

20 And then just for everybody that is listening,
21 because they're all for the next section, we're going to
22 take a small break and a small lunch break of 30 minutes.

23 One of the most beautiful rising stars of CIWMB
24 requires -- they tell me requires a lunch break. So
25 that's Kyle Pogue. So per his request, we're going to

1 take a half an hour lunch break. And then we will take
2 all the rest of the agenda. He turned red. But we will
3 take Yucaipa first.

4 MS. BROWN: That will be Mike Glasson from
5 Burtec.

6 CHAIRPERSON MARIN: Thank you so very much, Mike,
7 for being here. And after this lunch break, you can go to
8 Yucaipa.

9 MR. GLASSON: Thank you very much. My name is
10 Mike Glasson. I'm with Burtec Waste. I'm representing
11 the City of Yucaipa.

12 And as John alluded to, the C&D program that is
13 put together by the County of San Bernardino and is
14 administered by Burtec Waste at the county landfills for
15 mixed C&D, the City of Yucaipa is relying heavily on that
16 one also. If you look at the performance for the programs
17 for the City of Yucaipa in the last several years, they
18 were at 60 percent in 2000. When the construction boom
19 hit, a lot of that material that was going to the landfill
20 destroyed the numbers that they were seeing. It went down
21 to 45 percent and 41 percent this last year.

22 However, the City of Yucaipa is not relying too
23 heavily on that program. They are addressing several
24 other programs that will shore up the diversion rate. In
25 the event there's a turn in the construction industry,

1 which there may be, the other programs that are
2 administered in the city there will hold that diversion
3 rate up.

4 Those are the change in their rate structure and
5 the elimination of some of their current carts. They have
6 the 90-gallon solid waste cart right now. They're going
7 to eliminate that. They're going to restructure the rates
8 to support 60-gallon and 30-gallon solid waste carts and
9 reduce the rates on their recycling carts. They're also
10 going to a manure program. Right now one of the locations
11 they have for their green waste disposal or green waste
12 diversion will not take green waste that has animal waste
13 in any manure. That's going to be changed. And the
14 Burtec Waste will move the green waste to aa Adelanto MRF,
15 and they will take the green waste with the animal waste
16 in it. So that will no longer be landfilled. There's
17 several programs that will shore up their diversion rate
18 in the event there's a change in that construction and,
19 therefore, diminishes the C&D tonnage.

20 CHAIRPERSON MARIN: You know, even on a national
21 level, your per person waste stream, it's much higher than
22 even the national average. Is there any reason why?

23 MR. GLASSON: In the city?

24 CHAIRPERSON MARIN: In the city of Yucaipa, 7.7
25 percent versus nationally 6.6, something like that.

1 MR. GLASSON: I don't have an answer for that. I
2 don't believe that the -- well, there's a very high
3 population of mobile home park and multi-family in the
4 city of Yucaipa. And the commingled recycled programs in
5 those facilities are not as aggressive as they should be.
6 There's a program here that will be implemented to shore
7 up the commingled recyclables in the mobile home parks and
8 the multi-family facilities.

9 CHAIRPERSON MARIN: Well, you know, we went
10 through the city was doing very, very well, and then it's
11 just been declining. So does everybody feel comfortable?

12 COMMITTEE MEMBER PEACE: I was just going to ask,
13 when do you expect your City Council to go ahead and
14 formally approve your C&D ordinance?

15 MR. GLASSON: The City has had an informal C&D
16 policy within the City for a couple of years. However, it
17 did not have an ordinance. The City moved forward and
18 asked the Council to accept an ordinance, and they have
19 been granted permission to draft an ordinance and present
20 it to the City Council. And I feel certain that will be
21 done in the next couple of months. It will certainly be
22 done by the end of the year.

23 CHAIRPERSON MARIN: Please let the Council know
24 that this Board will look very favorably upon that.

25 Okay, 2005-204, is there a motion? Moved by Ms.

1 Peace, seconded by Mr. Washington. We'll substitute the
2 previous roll call, and this item will go on consent.

3 Now it will be a 28-minute lunch break. And
4 we'll be right back. Thank you so much.

5 (Thereupon a lunch recess was taken.)

6 CHAIRPERSON MARIN: Call the roll, please.

7 EXECUTIVE ASSISTANT BAKULICH: Peace?

8 COMMITTEE MEMBER PEACE: Here.

9 EXECUTIVE ASSISTANT BAKULICH: Washington?

10 COMMITTEE MEMBER WASHINGTON: Here.

11 EXECUTIVE ASSISTANT BAKULICH: Marin?

12 CHAIRPERSON MARIN: Here.

13 Any ex partes, Ms. Peace?

14 COMMITTEE MEMBER PEACE: No. I'm up to date.

15 CHAIRPERSON MARIN: Mr. Washington?

16 COMMITTEE MEMBER WASHINGTON: I'm up to date.

17 CHAIRPERSON MARIN: And I'm up to date, too. I
18 didn't talk to anybody. I was eating my lunch very fast.
19 All by myself.

20 We're going to try to get this done rather
21 quickly. Some people have to catch planes later on. So
22 I'm encouraged that the jurisdictions that we still
23 haven't seen, now they know the drill, and they're going
24 to come in and respond to all the questions in
25 anticipation of what the questions will be. And so we

1 start with the Unincorporated area of Kern County. This
2 is the amended nondisposal facility element. That's the
3 next item, Item 16.

4 DEPUTY DIRECTOR SCHIAVO: And Nikki Mizwinski
5 will present this item.

6 MS. MIZWINSKI: Good afternoon, Chairman,
7 Committee members. The County of Kern is amending its
8 nondisposal facility element by identifying and describing
9 the Kern County Recycling and Transfer Station. The City
10 has submitted all required documentation for this
11 facility. And, therefore, staff recommends approval of
12 this amendment to the county of Kern's NDFE.

13 This concludes my presentation. Thank you.

14 CHAIRPERSON MARIN: Are there any questions
15 regarding this? Anybody from Kern here?

16 MS. MIZWINSKI: No.

17 CHAIRPERSON MARIN: Nobody from Kern.

18 COMMITTEE MEMBER WASHINGTON: Madam Chair,
19 weren't they here yesterday for this item? Was Kern
20 County here yesterday for this?

21 DEPUTY DIRECTOR SCHIAVO: From the P&E Committee.

22 CHAIRPERSON MARIN: We have to approve this
23 first.

24 DEPUTY DIRECTOR SCHIAVO: So if this is on
25 consent, that takes care of that.

1 CHAIRPERSON MARIN: We will place this item on
2 consent. No. We can't until there is a motion.

3 COMMITTEE MEMBER PEACE: I'd like to move
4 Resolution 2005-217.

5 COMMITTEE MEMBER WASHINGTON: Second.

6 CHAIRPERSON MARIN: Moved and seconded.
7 Call the roll again, please.

8 EXECUTIVE ASSISTANT BAKULICH: Peace?

9 COMMITTEE MEMBER PEACE: Aye.

10 EXECUTIVE ASSISTANT BAKULICH: Washington?

11 COMMITTEE MEMBER WASHINGTON: Aye.

12 EXECUTIVE ASSISTANT BAKULICH: Marin?

13 CHAIRPERSON MARIN: Aye. Okay.

14 DEPUTY DIRECTOR SCHIAVO: Items 17 and 18 are
15 Consideration of Time Extension for the County of
16 Mendocino and Ukiah. And Steve Sorelle will present.

17 SUPERVISOR SORELLE: Good afternoon, Committee
18 members.

19 Mendocino County has requested a second SB1066
20 time extension through December 31st, 2005. The County's
21 first time extension has ended. And despite the County's
22 efforts to attain the 50 percent diversion goal of the
23 first Plan of Correction, they need additional time to
24 implement and enhance programs and conduct a new base year
25 study.

1 The City of Ukiah has requested a first SB1066
2 time extension through December 31st, 2005, to provide
3 additional time to implement programs in its Plan of
4 Correction and conduct a new base year study as well.

5 Staff analyses of these requests is they are
6 reasonable, given the barriers the City and the County are
7 facing. And staff recommends the Board approve the time
8 extension requests for this County and City. The
9 representative from the County, Paul Cayler, is available
10 to answer questions, the City of Ukiah following up with
11 Mike Sweeney. Thank you.

12 CHAIRPERSON MARIN: Okay. Paul.

13 MR. CAYLER: Good afternoon.

14 CHAIRPERSON MARIN: You've been so patiently
15 waiting. Thank you for being here.

16 MR. CAYLER: Madam Chair, my name is Paul Cayler.
17 I'm the Deputy Director of Transportation for the County
18 of Mendocino. I know we want to be brief and your Board
19 members want to proceed, but a few comments in
20 anticipation of the questions I heard this morning.

21 I want to first thank the staff for preparing
22 this item. I think Bob and Steve did an excellent job and
23 were very thorough. Just briefly talk about my county.
24 We are a very rural area. Approximately in the entire
25 county about 85,000 people. It's rural, mountainous. And

1 transportation through the county is difficult because the
2 coastal area is separated from the inland area by some
3 very challenging geography. We have many small population
4 centers, and growth is slow due to our economies based on
5 resource extraction.

6 Our first 1066 was focused on no charge single
7 stream recycling in residential and commercial sectors.
8 That has been fully implemented through the entire county.
9 We do have single stream in some of the most remote areas
10 of California. I don't know if you're familiar with
11 Covelo, California, but it is a very remote area. We have
12 single stream there. Throughout the entire rural
13 Mendocino County, except for some very rugged areas,
14 single stream is implemented and being offered to
15 subscription customers.

16 We have an excellent network of rural recycling
17 centers in the Boonville, Potter Valley, Casper, Covelo
18 areas that offer to our self-haul population full scale
19 recycling, including waste motor oil. And what we're up
20 against is similar to what you've discussed earlier with
21 the other rural counties, is the reporting and calculation
22 system doesn't reflect the work we've done in terms of
23 implementing programs. A preliminary report that was done
24 for 2003 actually showed our diversion rate was around 36
25 percent, and that was even before we had fully implemented

1 single stream recycling.

2 So I'm here today to support what staff has
3 requested of this Committee. We're looking towards
4 conducting a waste generation study for 2005 to get a
5 better grasp of where we stand. This will allow us to
6 fully implement our single stream recycling program,
7 especially focusing on our Spanish outreach program. And
8 I believe that once we collect that data, we will have a
9 much better diversion rate that's reflected in the records
10 and using the formulas.

11 I'm glad to hear the Board emphasizing for rural
12 counties the programs rather than -- programs rather than
13 numbers. Because just especially in a very large county
14 like we have, it's spread out over a large area whose
15 economy is not growing very fast, the system just doesn't
16 work very well.

17 So like I said, staff supports the
18 recommendation. The recommendation has us looking towards
19 before the end of the year presenting a
20 construction/demolition ordinance. And myself as the
21 solid waste diversion director, I support that and I will
22 do my best to have that presented. We have one City who
23 has already presented and past the ordinance, and we'll be
24 looking to that City as a model to move forward. That
25 ordinance was reviewed by your staff, and so I'm hopeful

1 we'll be able to present something that works. But
2 construction and demolition is not a sector that's really
3 taking hold in our area. But I do agree with your staff
4 recommendation.

5 In terms of procurement, I discussed this with
6 our procurement specialist at the County. He is operating
7 under the recycling procurement direction policy. All
8 paper products pretty much that are being purchased have
9 recycled content are 100 percent recycling. And most
10 recently under the Parks Bond Act of 2000, all the new
11 playground equipment is being purchased with recycled
12 content plastic. And I know from purchasing recycling and
13 litter containers under the Department of Conservation's
14 Program that I'm insisting that we try to have recycled
15 content in those containers that the community selects.

16 So, once again, I want to thank the staff. Steve
17 and Bob made numerous -- well, at least a couple field
18 trips to our area. We really did appreciate their time.
19 And I'd be open to questions.

20 And one thing. Madam Chair, I understand you're
21 visiting all the counties, and I would hope you come to
22 Mendocino County. I'll leave my card. I would be glad to
23 be your personal tour guide, and we can go see the
24 transfer station and go taste some wine and look at the
25 redwood trees.

1 CHAIRPERSON MARIN: I will pay for the wine.

2 Carl is --

3 COMMITTEE MEMBER WASHINGTON: He sure didn't
4 invite me to come.

5 CHAIRPERSON MARIN: Actually, I think I already
6 have a date for when we're going to Mendocino. We already
7 have a date.

8 MR. CAYLER: So I hope you would be in contact
9 with me --

10 COMMITTEE MEMBER WASHINGTON: You all showed me
11 the landfills and sent her to drink wine. Thanks a lot.

12 MR. CAYLER: We'll go to the transfer station
13 first. We're proud of our Willits Transfer Station. And,
14 absolutely, we do have some of the best champaign and
15 Pinot Noir in the state so you're very welcome.

16 CHAIRPERSON MARIN: Well, maybe Mr. Washington
17 can join me.

18 COMMITTEE MEMBER WASHINGTON: I can join you.

19 CHAIRPERSON MARIN: Thank you very much. We
20 already have a date. So if you ask my secretary, she'll
21 tell you exactly when we're there. We're going to take a
22 tour of about four counties in that area. So thank you.
23 I accept the invitation for the facility. I don't know
24 about the wine, but we'll come to Mendocino.

25 I have to commend you, because even though the

1 numbers are not where we desired, when you look at the
2 trend, it's pretty significant what you have done over the
3 years, even though at one point in time this was 13
4 percent. It seems like you're moving up. I really
5 appreciate that, especially knowing what the rural
6 counties are facing. So we want you to 50 percent.

7 MR. CAYLER: We desire that also. There has been
8 some, I should say, geography, some -- we had to change
9 our ordinance to allow longer franchise term links. There
10 was quite some discussion around that. But once we have
11 passed that hurdle and with the support of the Waste
12 Management Board's staff, we were able to restructure
13 franchise agreements that were able to bring some very
14 modern services to a remote part of the state. So we hope
15 to be there, too.

16 I think that when we redo our 2005 waste
17 generation study that you'll be very happy that we will
18 cease the productivity of single stream recycling. I know
19 the customers like it. In terms of our largest
20 franchisee, subscriptions for residential service were up
21 over 150 new subscriptions. So people are moving towards
22 the service away from self hauling, and that's really a
23 strategy we've been pursuing for probably about ten years
24 now. So thank you.

25 CHAIRPERSON MARIN: Ms. Peace, no questions for

1 you. Okay. I think she sees the trend going up and likes
2 that.

3 Is there a motion for --

4 COMMITTEE MEMBER WASHINGTON: Do you want to do
5 the other one?

6 CHAIRPERSON MARIN: Well, they're separate
7 motions.

8 COMMITTEE MEMBER WASHINGTON: I move adoption of
9 Resolution 2005-208.

10 COMMITTEE MEMBER PEACE: Second.

11 CHAIRPERSON MARIN: Moved and seconded. We will
12 substitute the previous roll call, and we will put this on
13 consent.

14 Okay. Now somebody -- a representative of the
15 City of Ukiah -- I've been there. It's right next to the
16 border of Oregon. It's the last one, isn't it?

17 MR. SWEENEY: That's Yreka. We're Ukiah.

18 CHAIRPERSON MARIN: Where is Ukiah?

19 MR. SWEENEY: Ukiah is the county seat of
20 Mendocino County, 150 miles north of --

21 CHAIRPERSON MARIN: That's the one I'm going to.
22 I'm sorry. That's right. Many of these, Ukiah, Yreka.
23 Yreka, I went to that one. That's -- you're right.

24 MR. SWEENEY: Well, I hope you come to Ukiah. My
25 name is Mike Sweeney. I'm the manager of Solid Waste

1 Management Authority. I'm here on behalf of the City.

2 CHAIRPERSON MARIN: Can I tell you a story? Let
3 me just tell you a story, because this just happened a
4 couple of years ago. I'll tell you a story.

5 We traveled from California to Virginia, and we
6 visited 14 states in seven days. And I was just ranting
7 and raving about how fabulous it is to visit all of these
8 states, and I was telling the world how fabulous, you
9 know, what a great country we have. And, you know, visit
10 all these different states, and you visit the valleys and
11 the mountains and the river and you cross all of this.
12 And your history is improved dramatically. Your geography
13 is increased and improved dramatically when you visit so
14 many states.

15 And I'm doing this whole spiel to a high school
16 group of students in Washington, D.C. And I'm just
17 encouraging them all because you're travelling, you really
18 improve your geography and your history. And when you
19 visit the Golden Arch -- what is that arch in the state of
20 Nevada? It's so beautiful. And it was the state of
21 Missouri. I'm talking to them about how great your
22 geography is. And people go, "Isn't that Missouri?" I'm
23 like, "Oh, yeah. Forget about what I said about
24 geography."

25 So it's the same thing. I have visited all these

1 beautiful cities and counties. And it was Yreka, and you
2 are from Ukiah. Well, if you were from Yreka, I would
3 have voted for you immediately. But since you are from
4 Ukiah, I have to listen to everything you have to say.

5 MR. SWEENEY: It will be real short.

6 CHAIRPERSON MARIN: Okay.

7 MR. SWEENEY: This is Ukiah's first request for a
8 time extension. It might not really even be necessary.
9 We are conducting on behalf of Ukiah a waste generation
10 study for '05, which in all likelihood will show there's
11 already 50 percent. But, nevertheless, for paperwork
12 purposes, they are requesting this time extension for the
13 remainder of this year.

14 The city has a lot to be proud of. It's moving
15 ahead with a full spectrum of diversion programs, as it
16 has consistently through the '90s. It has now had single
17 stream recycling collection for all the residential and
18 commercial generators since '02. And we are very proud of
19 the outreach. We currently have underway to extend the
20 reach of that with multi-family, the most difficult
21 residential sector. We have a full-time bilingual
22 canvasser who's actually going door to door throughout our
23 multi-family sector. Not only in Ukiah, but also in the
24 unincorporated other cities. And as noted in your report,
25 the City staff will present a proposed C&D recycling

1 ordinance to the Council before the end of this year.

2 So I hope that you will give favorable
3 consideration to the time extension request. And I'd be
4 happy to answer any questions you have.

5 CHAIRPERSON MARIN: I don't have any questions.
6 I believe that you have been doing a pretty good job.

7 Ms. Peace, do you have a question?

8 COMMITTEE MEMBER PEACE: We're not recommending
9 that they do a C&D policy because it's not that big of a
10 problem?

11 MR. SWEENEY: Sorry, I didn't hear.

12 COMMITTEE MEMBER PEACE: The C&D ordinance, you
13 don't have one. Are you recommending that?

14 MR. SWEENEY: The City will be preparing that for
15 consideration for the Council before the end of the year.

16 COMMITTEE MEMBER PEACE: How much trouble do you
17 think you are going to have convincing the local leaders
18 that you need one?

19 MR. SWEENEY: I would hesitate to make a
20 prediction there. For a small city like this, one thing
21 you should keep in mind is in addition to the contractors
22 and other people who will have to pull the permit, you're
23 also looking at an administrative burden for a very small
24 City Planning and Building Development staff, Services
25 staff. So that's another obstacle that has to be

1 overcome. And at this time of increased pressure on
2 municipalities, it becomes a significant factor. But with
3 your support -- and I commend the emphasis that you place
4 on this issue -- with your support and pressure from the
5 Waste Board, we will make progress.

6 CHAIRPERSON MARIN: Excellent. Thank you so very
7 much, Mike Sweeney, for being here with us. And I believe
8 we will be stopping by your county.

9 Okay. Is there a motion for Resolution 2005-209?

10 COMMITTEE MEMBER PEACE: I'll move Resolution
11 2005-209.

12 COMMITTEE MEMBER WASHINGTON: Second.

13 CHAIRPERSON MARIN: Moved and seconded. We will
14 substitute the previous roll call, and we'll put this on
15 consent as well.

16 Okay. Next item.

17 DEPUTY DIRECTOR SCHIAVO: Item 19 is a Request to
18 Change the Base Year to 2002 for the City of Redding. And
19 Marshalle Graham will present this item.

20 CHAIRPERSON MARIN: Hello.

21 MS. GRAHAM: Good afternoon, Committee members.

22 The City of Redding requests to change its base
23 year to 2002. The City originally submitted its new base
24 year request with the diversion rate of 55 percent for
25 2002. As a result of staff's verification of the base

1 year, staff is recommending changes to the base year.
2 Based on these changes, the base year diversion rate was
3 determined to be 52 percent. The City's request also
4 includes a petition for sludge diversion as well as
5 biomass diversion claim, both of which account for 1
6 percent of the total diversion.

7 Board staff has determined that the information
8 for the City's new base year, its petition for sludge
9 diversion credit, as well as its biomass diversion claim
10 are adequately documented. Therefore, Board staff is
11 recommending Option 4 of the agenda item. Representatives
12 from the City, both Bonnie Low and Larry Moralez, are
13 present to answer any questions.

14 And that does conclude my presentation.

15 CHAIRPERSON MARIN: Thank you.

16 I actually have been to Redding. How are you?

17 MS. LOW: Very good. Thank you. Thank you for
18 having us today.

19 CHAIRPERSON MARIN: Just for the record, she
20 needs your name.

21 MS. LOW: Bonnie Low. I'm a Solid Waste
22 Supervisor for the City of Redding.

23 I'd like to just talk briefly about our history
24 and why we're here today. We've been in the garbage
25 business a long, long time. The City of Redding doesn't

1 have franchise haulers. We are the hauler. We've been
2 doing this since 1944, so I think that's about 61 years in
3 this business. And we've got some great old archival
4 photos of that.

5 We began our first formal recycling program in
6 1989. We progressed to a blue bin, like the 18 gallon, I
7 call them laundry basket, blue bin source separated
8 system. That changed in 01/02 to our current system,
9 which is a fully automated curbside recycling single
10 stream and also automated green waste. And that has done
11 a lot for the city of Redding. And it's really helped
12 make our programs very complete for our residents.

13 We do provide all solid waste recycling services
14 for both the residential and the commercial sector. So
15 anything that has to do with garbage or recycling in
16 Redding, we are directly involved with.

17 We also provide the drop box service. We operate
18 the transfer station and a material recovery facility,
19 which we're finding is becoming more of a regional
20 material recovery facility. We are now servicing several
21 of the Indian tribes in the area that have begun to
22 implement recycling programs on their own but need a place
23 to process their materials, and also some of the marinas
24 on Shasta Lake because of their location having a
25 difficult time getting their haulers to recycle for them.

1 So they're bringing their material to us, and we're happy
2 to process that at our facility.

3 We also have a four-and-a-half acre compost
4 facility, a permanent household hazardous waste facility
5 that's open three days a week to all Shasta County
6 residents, not just City of Redding residents. We have
7 drop off recycling for everything under the sun, including
8 appliances. And we offer free recycling to businesses,
9 which is why we think we're able to make such a big impact
10 to our business community. We don't charge them for any
11 of the recycling services, including our curbside
12 recycling and cardboard, newspaper, office paper, so on,
13 so forth.

14 And we also have a lot of programs. If you look
15 at our PARIS report, we now have 44 programs that we are
16 very, very proud of, which kind of brings us to why we're
17 here today. We started noticing in about 1998/99 that our
18 numbers based on the adjustment method really were not
19 reflective of the programs that we have implemented, the
20 costs that we've undertaken, the infrastructure that we
21 have built to support those programs. So we started
22 looking at where we could make a difference and really
23 reflect what we're doing in Redding. We tried to work
24 with those numbers. We tried to focus on program
25 implementation, which you see based on the number of

1 programs. And you've been to our facility. You see how
2 complete our service is.

3 But by 2002, it was real obvious that our numbers
4 just weren't reflecting what we were doing. I think we
5 were at 36 percent.

6 Does that sound right; Marshall?

7 So we did go ahead and undertake a new base year
8 study, which is what you see before you today. And we do
9 think it is reflective of what we do, and yet it is still
10 very conservative, primarily because we were unfortunate
11 in not being able to get any data or cooperation from our
12 single largest C&D processing facility.

13 So that kind of brings me to one of the questions
14 I'm anticipating you're going to ask, which is, do you
15 have a C&D ordinance? And the answer is no, we don't
16 currently. Through guidance from our staff, you know, we
17 realize in solid waste how important C&D is to our overall
18 diversion progress. But we've preferred to take the soft
19 sell approach up to the point and try to get everybody on
20 board and voluntarily participate.

21 But doing this new base year study was very
22 valuable, not just in improving our numbers, but also
23 showing the powers that be that, look, we probably have to
24 have something that has more teeth in it to get compliance
25 from the industry that's actually responsible for these

1 numbers. And so now I think that we have that support
2 that we need to do that.

3 As an aside to that, we have a program that's
4 very unique in Redding. We are the first community in
5 California to do this. I don't know if you're familiar
6 with the Portland Earth Advantage from the city of
7 Portland. We actually purchased that trademark program
8 from them. And the whole idea is that this is a
9 sustainable building program.

10 So we've gone out and recruited some of our
11 largest developers in Redding to participate in this
12 program. It's completely voluntary. It's called Redding
13 Earth Advantage. And it's kind of a branding or labeling
14 program, if you will. And the idea is they are developing
15 homes. Some of these are stick houses, if you will,
16 subdivisions. Some of them are custom homes that are
17 being built. So it's all income levels that are
18 sustainably built. They're using products that are
19 sustainably harvested products, sustainable manufactured
20 products. They're focusing on energy conservation, water
21 conservation, and they have a solid waste management
22 element.

23 And in order to be certified as an Earth
24 Advantage builder, they have to have a minimum number of
25 points in each one of those categories. So some of the

1 things that they can do in terms of solid waste management
2 are like voluntarily separating their job site waste so it
3 can be reclaimed. That's just one example.

4 At first we weren't sure what the reception was
5 going to be in Redding, but it's turned out to be
6 astounding. And we're braking ground on our first
7 development near the Clover Creek Preserve. And there's
8 72 up-scale homes that are being built there and they'll
9 all be Earth Advantage homes. It's something that's very
10 marketable to our community.

11 We have a lot of retirees and people moving up
12 from the Bay Area, Southern California where these aren't
13 foreign concepts. These are grounded principles at that
14 point. So people in Redding are very responsive to the
15 program. We're extremely proud of this program. So I
16 think having the mandatory C&D ordinance and coupling that
17 with this very positive building program we're promoting
18 is going to do a lot for Redding.

19 And then the next thing I know you're going to
20 ask is about procurement. We don't have a formal
21 procurement policy at this time. But we are developing
22 one to basically ratify the purchasing procedures that
23 we've been doing for years now. And we can go through the
24 list of products that we already purchase. Of course,
25 paper products are an obvious one. We have been using

1 re-refined oil in our fleet vehicles for five or six years
2 now.

3 You know, as I mentioned, we have our own compost
4 facility. We use compost on city landscape projects. We
5 just did a huge development project at City Hall. And we
6 have a sports park. It's called Field of Dreams. It's
7 like Big League Dreams in Southern California. And I
8 think -- is that 2500 -- 2500 yards of compost that they
9 purchase from the City's compost facility to do the sports
10 fields there. And that's misleading to say sports fields,
11 because the actual ball fields are made out of what's
12 called field turf, which is the kind of, you know,
13 Astro-Turf, artificial turf product that has crumb rubber
14 in it. So we are doing a lot of purchasing, and the
15 policy would ratify what we're already doing.

16 So I can answer any other questions that you
17 might have.

18 CHAIRPERSON MARIN: Bonnie, I was very impressed.
19 Actually, you should know when I came back from Redding, I
20 told everybody how you kept statistics. And your system
21 that you have developed, she knows exactly how many
22 pounds -- not just tons, but pounds of things she has
23 recycled, no matter what. You ask her how many of this,
24 and she goes into her little computer and figures out for
25 how many years and the trends and all of that. So she's

1 able to make some significant decisions based on the
2 amount of data that you have been able to collect, and we
3 have been able to collect all the time.

4 MS. LOW: And a lot of that comes from doing this
5 all ourselves and not having to rely on outside sources
6 for data. So we take advantage of that and feel very
7 fortunate.

8 CHAIRPERSON MARIN: That was very impressive.
9 You make better decisions when you have all the data.

10 Is there a question?

11 COMMITTEE MEMBER PEACE: I think it's great the
12 City of Redding has given you the personnel and stuff to
13 be able to do that.

14 MS. LOW: We're considered one of the City's five
15 utilities. We have an electric utility as well and
16 streets and water and so on and so forth. But having this
17 massive involvement in the solid waste does give us the
18 personnel we need to do the programs.

19 CHAIRPERSON MARIN: Okay. Thank you, Bonnie. I
20 really appreciate it. Thank you for taking the time to
21 come all the way from Redding. All right.

22 COMMITTEE MEMBER PEACE: I'd like to move
23 Resolution 2005-210.

24 COMMITTEE MEMBER WASHINGTON: Second.

25 CHAIRPERSON MARIN: Moved and seconded. Without

1 objection, that will be the pleasure of this Committee.
2 We will substitute the previous roll call, and we'll put
3 it on consent.

4 DEPUTY DIRECTOR SCHIAVO: Item Number 20 is
5 Consideration of an Application for an SB1066 Time
6 Extension by the City of Woodland. And this is going to
7 be presented by Mr. Kyle Pogue.

8 MR. POGUE: Good afternoon. And thank you for
9 the lunch break.

10 CHAIRPERSON MARIN: Actually, it was Cara who I
11 meant she needed a lunch break.

12 MR. POGUE: The City of Woodland and Yolo County
13 has requested a first time extension through December
14 31st, 2005, to provide additional time to implement the
15 programs in their Plan of Correction. Staff's analysis of
16 the City of Woodland's request is that it is reasonable
17 given the barriers the City is facing and recommends the
18 Board approve the City's time extension request.

19 Christine Engle from the City of Woodland is
20 available to answer any questions. Additionally, Marissa
21 Juhler from Waste Management, the contract hauler, is also
22 here to answer any questions you may have.

23 That concludes my presentation.

24 CHAIRPERSON MARIN: Thank you, Mr. Pogue.

25 Christine.

1 MS. ENGEL: Hi. Thank you for having us here
2 today. Would you like me to go ahead and do a
3 presentation or start with questions?

4 CHAIRPERSON MARIN: You already know what the
5 questions are going to be.

6 MS. ENGEL: Yeah. I basically know.

7 I think some of the things I'd like to focus on
8 since our year 2003 annual report did not meet the
9 50 percent diversion threshold, I'd like to focus on what
10 we have done and what we're continuing to do in order to
11 hit the 50 percent mark.

12 Some of the challenges that we did face is in
13 2000 and part of 2001, there was no staff dedicated to
14 this program. And since that time, there's been a
15 full-time conservation coordinator hired in 2001 of --
16 July 2001, and then myself being the environmental analyst
17 was hired in 2002. And then Waste Management hired
18 dedicated recycling coordinator, Marissa Juhler, in 2003.
19 So we've added three staff persons that basically it's
20 one-and-a-half FTE for the city of Woodland, and then
21 Marissa being full time with Waste Management. So
22 staffing has increased.

23 For our residential program, in October 2003, we
24 transitioned from cube recycling, which was just for
25 newspaper, plastic, and aluminum, to a full mixed

1 recycling program for residential customers. For
2 businesses, in 2004, we had approximately 150 businesses
3 recycling of our 900 businesses. And now thanks to Waste
4 Management's efforts really targeting our businesses
5 proactively, we have 400 businesses recycling. And what
6 Waste Management is also doing -- so that, in itself,
7 added 705 yards of recyclable material. And currently
8 we're targeting the apartment complexes and trying to get
9 them on board as well.

10 So since our 2003 annual report also for schools,
11 we have added a district-wide recycling policy. So all
12 our public schools are recycling. Waste Management has
13 conducted 120 presentations to the elementary schools.
14 And 3100 students have had presentations on Closing the
15 Loop, as well as the City has hired EarthCapades to do
16 environmental presentations that includes recycling, and
17 that has educated approximately 8,000 elementary students.

18 For construction, it's kind of funny, in '99 and
19 2000 when we didn't have staff, the environmental impact
20 report for our last largest development included a
21 mitigation measure to recycle construction and demolition
22 debris. So it's timely that we do have staff now to
23 implement this program. So Spring Lake is a development
24 that will add approximately 4,000 dwelling units in the
25 next ten years through 2017, essentially. And what we

1 have done -- and I do have a copy for you. And Kyle Pogue
2 also has this as well. We have a Spring Lake development
3 recycling plan. So as a condition of approval, every
4 project associated with Spring Lake Specific Plan has to
5 implement recycling measures at their site for
6 construction and demolition debris -- or basically
7 construction debris.

8 So what we have for them to do -- and this is in
9 draft form -- is when the project starts or before they
10 begin the construction, they need to submit a recycling
11 plan information sheet identifying what types of materials
12 they're planning to recycle. And every January 1st and
13 June 1st and at the end of the project, they need to
14 submit a recycling plan update and provide us with the
15 tonnages they are recycling. If they're using Waste
16 Management, Waste Management will provide our staff with
17 that information. If they're not using Waste Management,
18 then that will be our trigger we need to be inspecting
19 their sites routinely to ensure they are recycling. If
20 they're using Waste Management, Waste Management will be
21 monitoring that for us.

22 So until we have a construction and demolition
23 debris ordinance, which we have included in our 1066 that
24 we will be drafting that this year -- until that time, the
25 largest development is taken care of through our condition

1 of approval for the last remaining large development.

2 In terms of things that we're doing as a City --
3 and I'll start wrapping this up. Our City parks, we
4 currently have one park and one park that is under
5 construction soon that will have the rubberized surface.
6 All the parks associated with Spring Lake will have the
7 rubberized surface. For our roadways, last year we
8 completed a police station, and they used recycled
9 aggregate in the parking lot. We also completed a utility
10 repair project in our city, and rubberized asphalt was
11 used for the road surfacing. And we did this year apply
12 for a \$100,000 grant for our federal aid projects for the
13 use of rubberized asphalt. Fortunately, we only got
14 \$8,000, but we'll be using the rubberized asphalt.

15 Our fleet service uses refined oil in the weights
16 we can use it for in the vehicles that take that type of
17 weighted oil, as well as we do purchase our recycling and
18 trash containers that are made out of recycled plastic.
19 And we've added recycling containers on our main street
20 and other public locations. And we also do have a toner
21 and battery recycling program.

22 If there are any questions I can answer for you.

23 COMMITTEE MEMBER PEACE: So you have recycling
24 containers up and down your main street? Are they right
25 next to a trash container?

1 MS. ENGEL: In a few locations, we do. We have a
2 downtown group that sometimes is challenging to get things
3 through the group. And the containers have to look a
4 certain way. They have to be the black rot iron in order
5 to enhance our historic setting. So next to some trash
6 cans, there's a similar matched recycle container.

7 COMMITTEE MEMBER PEACE: Have you found people
8 are responsive to that? Are people using them? Do you
9 find a lot of contamination?

10 MS. ENGEL: I think they're actually picked
11 through. They're being used, but they're self emptied
12 containers.

13 The other thing I wanted to point out, right now
14 the City of Woodland is trying to get containerized green
15 waste. Our green waste is collected loose in the street.
16 And although our City Council approved this in June, it
17 has been a highly controversial issue. So a lot of staff
18 time has been devoted to trying to get this program
19 accepted by the public, continuing our public outreach,
20 holding public meetings. It's been very controversial.

21 CHAIRPERSON MARIN: What is controversial about
22 it? I would like to know that.

23 MS. ENGEL: People would prefer to put their
24 green waste in the street. They feel it's just an
25 inconvenience that they have to put it in a container.

1 And currently they can put out as much as they'd like.

2 CHAIRPERSON MARIN: And the container will
3 limit --

4 MS. ENGEL: The container would limit, although
5 we're offering a pretty generous in that we're offering
6 weekly service of 96-gallon containers, coupons to the
7 landfill. We have mulching mower and wood chipper rebate
8 programs. We have composting courses they can attend to
9 get a free composting bin. So we've tried to supplement
10 the program as much as we can. We offer leaf collections,
11 which is a concern in the city because we have such a
12 large tree canopy.

13 CHAIRPERSON MARIN: Well, I'm sure there have
14 been other cities that have implemented those programs.

15 MS. ENGEL: All over California.

16 CHAIRPERSON MARIN: And I'm sure some of them
17 were not met with open arms, you know, welcoming arms.
18 But they're all doing it now. So we have a wonderful
19 staff that can continue to help you implement those
20 programs successfully.

21 MS. ENGEL: Thank you.

22 COMMITTEE MEMBER WASHINGTON: Madam Chair, we
23 just had the young lady -- and I can't remember what city
24 she came -- that they were saying they started this thing
25 three years ago. It was a bumpy road, and now everybody

1 loves being on it. So -- Redding. So it does happen.

2 You guys will be in good shape once you get going there.

3 CHAIRPERSON MARIN: Thank you for what you're
4 doing.

5 MS. ENGEL: Thank you.

6 CHAIRPERSON MARIN: Is there a motion?

7 COMMITTEE MEMBER WASHINGTON: Madam Chair, I'd
8 like to move adoption of Resolution 2005-211.

9 COMMITTEE MEMBER PEACE: Second.

10 CHAIRPERSON MARIN: Moved and seconded. And
11 we'll substitute the previous roll call. And it will go
12 on consent.

13 DEPUTY DIRECTOR SCHIAVO: Item 21 will be pulled.
14 Most likely, we'll hear that in September.

15 Which takes us to Item Number 22. And this is
16 Consideration of the Application for an SB1066 Time
17 Extension by the City of Sanger in Fresno County. This
18 will be presented by John Duke. And I don't want to jinx
19 John, but this is his first presentation, so be kind.

20 CHAIRPERSON MARIN: Never.

21 COMMITTEE MEMBER WASHINGTON: Welcome, John.

22 CHAIRPERSON MARIN: Baptized by fire. He should
23 not have done that to you.

24 COMMITTEE MEMBER WASHINGTON: How long have you
25 been at the Board?

1 MR. DUKE: Four years.

2 COMMITTEE MEMBER WASHINGTON: What did you do
3 before you started coming down here talking to us?

4 MR. DUKE: Prior to coming to the Board or at the
5 Board?

6 COMMITTEE MEMBER WASHINGTON: No. At the Board.
7 I've never seen you before. Why?

8 MR. DUKE: Office technician.

9 COMMITTEE MEMBER WASHINGTON: What is an office
10 technician?

11 MR. DUKE: Helping out Ms. Morgan.

12 COMMITTEE MEMBER WASHINGTON: Do what?

13 MR. DUKE: Whatever she needs.

14 BRANCH MANAGER MORGAN: Board Member Washington,
15 he did such a good job helping me out, we promoted him,
16 and now he's here before you. So be kind.

17 COMMITTEE MEMBER WASHINGTON: Okay. All right.

18 MR. DUKE: Good afternoon, Committee members.

19 COMMITTEE MEMBER WASHINGTON: Welcome, John.

20 MR. DUKE: Board staff has reviewed and verified
21 the City's request for its time extension to meet their AB
22 939 goal and are recommending approval of the request.
23 Mr. Chapa is here from the City of Sanger to answer any
24 questions.

25 That concludes my presentation. Thank you.

1 (Applause)

2 CHAIRPERSON MARIN: Well, actually, I think we
3 did not eat enough today. The lunch break was all too
4 short.

5 Okay. Now is this the first time you're coming
6 before the Board.

7 MR. CHAPA: This is the first time I will be
8 attending --

9 CHAIRPERSON MARIN: And what were you doing --
10 (Laughter)

11 CHAIRPERSON MARIN: Oh, my. We're actually
12 really, really nice. It's all Pat Schiavo's fault.

13 Tell us about the City of Sanger, why should we
14 approve this?

15 MR. CHAPA: My name is Tim Chapa. I'm the Deputy
16 Public Works Director with the City of Sanger.

17 And by way of background, the City had
18 consistently met its diversion requirements through our
19 different program implementation since the inception of AB
20 939. And, in fact, in the last three reporting years, we
21 averaged approximately a 54 percent diversion rate, and
22 our total tonnage averaged about 9400 tons.

23 One of the things that has happened in Sanger in
24 2003 is that we started experiencing a housing boom. The
25 cities of Fresno and Clovis were slowing down a little

1 bit. Other cities near us were doing moratoriums, and
2 Sanger became the place for housing.

3 So in the 2003 reporting year, once we received
4 our reporting, we actually found out our tonnage increased
5 dramatically to about 13,700 tons, thereby reducing our
6 diversion rate to 36 percent. And we've pretty much been
7 meeting the diversion rate of 50 percent. And we
8 understood there was probably some C&D issues going on
9 related to the housing development, but there had to be
10 something else. So we actually met with the County, with
11 the landfill, and a couple of transfer stations. And we
12 ended up identifying some misreporting, misallocations
13 between the City of Sanger and other agencies.

14 Going through that process, we were actually able
15 to identify about half of that tonnage was due to
16 misreporting. And so in the end, our diversion rate ended
17 up increasing to about 44 percent, still, though, leaving
18 an issue about what started happening in 2003 related to
19 C&D tonnage.

20 Let me also say that during our process of trying
21 to review what was going on, we also had a concern related
22 to the private hauler reporting. When we met with the
23 County and transfer stations, they had reports, and fairly
24 easily we could identify what the misreporting was. But
25 when you really get into the nuts and bolts about how a

1 private hauler reports, whether they're coming from Selma
2 or Fowler or Sanger, we had some concern there was some
3 issues there. But because of the detail and work
4 involved, we didn't have the time to actually look at
5 that. But it really begged the question about the
6 accountability of the private hauler reporting process.

7 CHAIRPERSON MARIN: Is your private hauler the
8 same one?

9 MR. CHAPA: We have a number of contract haulers
10 that could do business in the city of Sanger. We do have
11 an exclusive franchise with a hauler who does our green
12 waste. And what we've implemented effective August 1st is
13 procedurally, just like the City of Temecula has done, is
14 to now require that all of the subdivision developments,
15 all residential/commercial remodels are required to
16 contract through our exclusive franchise hauler.

17 What that really does for us is, number one,
18 provides us an ability to maintain some accountability.
19 We're only dealing with one business. We have an
20 established relationship with them and we're going to be
21 monitoring reports. And then, secondly, it helps us
22 really to deal with this issue of the C&D tonnage that
23 just started in 2003 continuing in 2004/2005, and we're
24 still the big growth city in Fresno County. So, again,
25 what this procedure does -- and it's not an ordinance.

1 What the procedure does is basically before the developers
2 or someone pulls a building permit, they're required to
3 verify that, in fact, they're doing their hauling through
4 our exclusive franchise hauler.

5 CHAIRPERSON MARIN: When will that become an
6 ordinance?

7 MR. CHAPA: We made that effective August 1st.
8 And based on a recommendation from our city attorney, we
9 weren't required to enact an ordinance to do that. We've
10 already enacted it procedurally.

11 CHAIRPERSON MARIN: Does it have the same teeth,
12 though?

13 MR. CHAPA: Absolutely. Because if a developer
14 comes up and wants to pull 20 building permits and they
15 haven't complied with our requirement, they don't get the
16 building permit.

17 CHAIRPERSON MARIN: So let me just ask, will that
18 have the same function as an ordinance?

19 STAFF COUNSEL BLOCK: Elliot Block with the Legal
20 Office.

21 It's a little bit difficult to tell just off
22 description today, but it sounds like as a practical
23 matter it will have the same effect. Obviously,
24 procedurally, it's a little bit different.

25 But, you know, the importance is that it's

1 enforceable in some way. Somebody is going to need to
2 comply with it if they want to get what they want, from
3 the way it sounds like it's been described. I can
4 certainly take a look if you want for the future.

5 CHAIRPERSON MARIN: That would be nice. If we
6 can somehow follow that up.

7 What will happen, Mr. Chapa, we want the cities
8 or the counties to have the tools that they need. And
9 what we help with is a lot of assistance, because we know
10 what the ordinances look like, what they do. Many times
11 we help them draft them, if you will, and that we provide
12 what other cities are doing and so forth. But we want you
13 to success with your process. If you are successful and
14 if that is happening, that's fine. But it might be that
15 somebody at some point in time might want to challenge it,
16 because it's not a law the city has adopted. A developer
17 might challenge that. So I don't know.

18 MR. CHAPA: And so far we've had compliance. The
19 only issue we have with some developers who have a 60-day
20 contract, let's say, and we're allowing them to go ahead
21 and get out of, they may be first phase of three phases of
22 development. So we're allowing them to go ahead and
23 continue with the hauler that they do have. But I had
24 four calls from developers. Once you explain it to them,
25 they pretty much understand. And it's not costing them

1 any more than what we were paying for hauling.

2 CHAIRPERSON MARIN: I'm concerned with your
3 numbers. And I'm going to ask staff. Concrete, asphalt,
4 rubber, 7 percent diversion, I mean, this is pretty
5 significant, isn't it, for the total? Is that achievable?
6 And then 5 percent for the wood waste.

7 DEPUTY DIRECTOR SCHIAVO: Just depends on the
8 community. These are best estimates. If you look at the
9 relative values, you know, of what they're currently doing
10 on a per person basis, it's relatively low. It's about
11 half what the statewide average is. These materials being
12 very heavy, it's very possible.

13 CHAIRPERSON MARIN: It's very possible. All
14 right. I want the reassurance from our staff. They're
15 the experts.

16 Okay. Any further questions for the City of
17 Sanger?

18 COMMITTEE MEMBER PEACE: Do you know what
19 question I'm going to ask next?

20 MR. CHAPA: Procurement policy.

21 CHAIRPERSON MARIN: C&D procurement policy,
22 everybody should come in with that answer immediately.

23 MR. CHAPA: Like a lot of other agencies that
24 have presented here today, informally, we've always
25 promoted the purchasing of recycled and usable materials.

1 And a lot of our purchasing is being done by each
2 individual department. We have administrative procurement
3 procedures that all the departments are required to
4 follow. And, again, we added an addendum to those
5 procedures and made those procedures effective to go ahead
6 and formalize what has been an informal process in terms
7 of procuring those types of items.

8 By example, some of the things we've been doing
9 is, again, the rubberized playground surfaces and
10 rubberized playground equipment, plastic park benches,
11 recycled wood for new office furniture. And then we
12 actually do our own composting and in the city yard that
13 we use at the city parks.

14 CHAIRPERSON MARIN: Okay, Mr. Chapa. I'll say
15 it. You've hear me say it before. We appreciate all of
16 these informal policies. We'd rather see it in writing.
17 We'd rather see it as an ordinance or that the City
18 Council actually adopts. To us, and you have former
19 elected officials here, we know the value of having that
20 law. And if you can, please go -- would you please go
21 back to your Council and let them know that that would be
22 looked very favorably upon by this Board.

23 MR. CHAPA: Certainly. We've already enacted
24 them through a certain procedure, but we will take the
25 additional steps.

1 CHAIRPERSON MARIN: Would you, please? Thank
2 you. We appreciate that.

3 Is there a motion?

4 COMMITTEE MEMBER PEACE: I'd like to move
5 Resolution 2005-214.

6 COMMITTEE MEMBER WASHINGTON: Second.

7 CHAIRPERSON MARIN: Moved and seconded. Without
8 objection, that will be the order. And we will put this
9 item on consent. Thank you.

10 DEPUTY DIRECTOR SCHIAVO: Item Number 23 is
11 Consideration of the Application for an SB1066 Time
12 Extension by the City of Soledad in Monterey County. And
13 Terry Gray, who has made several presentations, will
14 present this item.

15 MS. GRAY: Good afternoon, Committee members.

16 The City of Soledad has requested a first SB1066
17 time extension through December 31st of 2005 to provide it
18 with additional time to implement the programs in its Plan
19 of Correction. Staff's analysis of the request is that it
20 is reasonable, given the barriers the City is facing.
21 Board staff has determined the information submitted in
22 the application has been adequately documented and
23 recommends the Board approve the City's time extension
24 request.

25 The City of Soledad's representative, Mr. Steve

1 Johnson, is the General Manager of the Salinas Valley
2 Solid Waste Authority and is here on behalf of the City of
3 Soledad and is available to answer your questions.

4 This concludes my presentation. Thank you.

5 CHAIRPERSON MARIN: Okay. Mr. Johnson, you want
6 to tell us why we should grant you this extension?

7 MR. JOHNSON: If I may, Madam Chair and members
8 of the Committee. My name is Steve Johnson, Salinas
9 Valley Solid Waste Authority, but I'm speaking for the
10 City of Soledad, which is one of our five member agency
11 cities in a small JPA.

12 And the circumstance that exists with Soledad is
13 beginning to occur with several of other our cities as
14 well in that these are small cities that are growing in
15 leaps and bounds. They're now becoming bedroom
16 communities to both Salinas and San Jose. And because of
17 that, there's been a massive change in population, ergo
18 massive construction projects, in addition to the fact
19 that Soledad is unique in that its city limits annex two
20 State prisons, which we all know the populations of those
21 have increased phenomenally.

22 And Soledad has been going the wrong direction
23 now for four years. It began at 73 percent, and now it's
24 down to 45 percent. And we, as the Solid Waste Authority,
25 provide what we call AB 939 enhanced services to all of

1 our member agencies. They're still responsible for
2 compliance, but we do their annual reports. We do their
3 public education programs both in Spanish and English. We
4 also do all the household hazardous waste, both collection
5 and used oil advertising, all those pieces, because they
6 don't have anybody on staff to do this stuff.

7 So when we began looking real hard at these
8 issues, we saw that the actual disposal numbers from year
9 to year, from 2000 up to 2004, are only increasing about
10 10 percent, 8 percent, 7 percent, whereas the population
11 is increasing much faster than that. So we've looked real
12 hard at all the programs we had in place, and we haven't
13 reduced any programs. And these programs are the same
14 programs as exist in all the other member cities.

15 We identified clearly the issues that need to be
16 addressed more clearly are construction and demolition
17 programs throughout the Authority area. Now, this becomes
18 a little more difficult than just an ordinance in one
19 city. Because of all of the construction done by like
20 contractors, it only makes sense to have a uniform policy
21 throughout these areas. We've been working on this now
22 about 18 months. Alan Styles, our recycling coordinator,
23 has been the lead on this. We've been working closely
24 with the Waste Board as well. But it's kind of like
25 herding cats in terms of getting five cities to agree on

1 an ordinance that's acceptable. We hope to have a draft
2 ordinance or plan, and it may be someplace closer to the
3 terms of plan, at least initially, so that we can get some
4 action in place by the end of the year.

5 The procurement processes that we have in place
6 with all of our cities are all 30 percent postconsumer
7 recycled content for paper and copier cartridges and so
8 forth. But also the City of Soledad has purchased a
9 number of recycled plastic park furniture as well as the
10 rubberized areas underneath the park furniture. And
11 that's happened most recently.

12 The other area that is perhaps unique to the
13 Salinas Valley is we have a lot of multi-family residences
14 where the population increases phenomenally between April
15 and October. And then the workforce following the ag
16 production moves on. So one of the other focuses that we
17 obviously have to get better at is multi-family messaging
18 and cooperation, as well as finally getting the recycling
19 rates to go up on that side.

20 CHAIRPERSON MARIN: Steve, I would really
21 appreciate it -- I know you guys are not quite yet with
22 the five cities moving to -- you're calling it a plan. I
23 think the message needs to be a lot stronger than that.
24 You know, we really, really appreciate if the entire
25 Authority really pushes the C&D ordinance for all the five

1 cities. And I know it's herding cats and so forth.

2 But if we need to come in and make a presentation
3 to your Authority, we will gladly do that. And the
4 message cannot be clearer. I mean, this is real
5 important, especially -- and I know you guys do great
6 work. I've visited your county, your cities. This is
7 very concerning. And it's very disconcerting for the City
8 of Soledad that at one point in time it was like 70
9 percent. You know, to go down all the way to 45 is simply
10 not what we want to see. And I'm sure it doesn't make you
11 proud.

12 MR. JOHNSON: That's correct.

13 CHAIRPERSON MARIN: You know, as a matter of
14 fact, can we -- is there any way that we can actually
15 expedite or request that they expedite the adopting of an
16 ordinance?

17 MR. JOHNSON: Well, we have been trying to do
18 this on an entire county-wide basis with our task force.

19 CHAIRPERSON MARIN: You know what, Steve Johnson,
20 I think I'm going to request that at least the City of
21 Soledad -- maybe we make them the lead, you know. Maybe
22 by providing that incentive, all the other cities will
23 come along. I'm wondering whether I can make that.
24 Because if nobody is going to do it unless somebody takes
25 the lead and the cities, they should be.

1 MR. JOHNSON: Well, if I can say something,
2 please.

3 CHAIRPERSON MARIN: Yeah, please.

4 MR. JOHNSON: We've been working on this for well
5 over a year at the entire County level. And, obviously,
6 there's some real major differences between Pebble Beach
7 and Soledad. Pebble Beach has remodels or single-family
8 homes that are built as custom homes, and Soledad is
9 building 4- or 500 homes at a time. So by the end of
10 probably September, we're going to have a clear indicator
11 whether or not we can even do something on a county-wide
12 basis. And if not, then the Authority would certainly
13 take the lead to get its member agencies to move forward
14 an ordinance.

15 CHAIRPERSON MARIN: Okay.

16 COMMITTEE MEMBER WASHINGTON: But it sounds like
17 you probably should do that anyway. It sounds like it's
18 on a city by city basis just based on what you said with
19 Pebble Beach versus Soledad. Maybe you should just do
20 them. To wait around might be a problem, because each
21 city -- sounds like to me, each one of your five cities
22 poses a different issue. Am I correct? Is that the
23 reason why it's taken --

24 MR. JOHNSON: Not necessarily. Not in the
25 Salinas Valley. The issues are fairly similar in that

1 we're talking about major developments --

2 COMMITTEE MEMBER WASHINGTON: So what's the
3 problem with getting the Authority to agree then?

4 MR. JOHNSON: The Authority's issues are more
5 focusable. In most simple terms, there's no room to put
6 three roll-offs in a remodel in Pebble Beach. Whereas, if
7 you're doing a source separated C&D sorting at a
8 construction site, there's plenty of room to do that. So
9 those are the kinds of things that we face.

10 The real issue here is that, as you mentioned
11 before, Board Member Marin, that each City has to actually
12 enact the ordinance. So before we can begin to take it
13 forward, we have to have some level of consensus among
14 those cities of what will fly. Otherwise, if city three
15 changes the ordinance and we're trying to be uniform, then
16 we created a problem for ourselves.

17 CHAIRPERSON MARIN: My dilemma is that because
18 the decline has been so steep, and even though it's only 5
19 percent -- you know, there are 45, you know, in other
20 communities, but we're looking at each one individually.
21 You know, nothing will please me more than to see Soledad
22 at 70 percent. I mean, if they were at 70 percent, you
23 wouldn't be here. But the reality is that because the
24 trend is so steep, I want to do as much as we can to stop
25 that decline. And maybe just for Soledad, we can ask the

1 City Council and the Mayor to adopt the ordinance, the C&D
2 ordinance.

3 MR. JOHNSON: I'll certainly carry that back. As
4 you see, I'm speaking for them because this is the first
5 flash on their radar that this is an issue, even though I
6 brought it up. It's not until it goes to the Waste Board
7 for a decision that it actually gets their attention.

8 CHAIRPERSON MARIN: Believe me, we know that.

9 So what's your pleasure, Committee members?

10 COMMITTEE MEMBER PEACE: Well, the ordinance is
11 already in the Plan of Correction; right?

12 MR. JOHNSON: The ordinance --

13 COMMITTEE MEMBER PEACE: We're already asking
14 them to do that in the Plan of Correction, that they need
15 a C&D ordinance. But it says the City needs to work with
16 the other jurisdictions.

17 MR. JOHNSON: Yes. We're trying to do an
18 area-wide C&D ordinance.

19 COMMITTEE MEMBER PEACE: We understand that. But
20 if everybody is not getting on board because there's such
21 -- Pebble Beach is so different than Soledad, how do we --

22 MR. JOHNSON: We've had a task force for the
23 entire Monterey County, which includes the area serviced
24 by the Regional Waste Management District, as well as the
25 Solid Waste Authority. The attempt was there or is there

1 to get a standard ordinance. At the same time, we're
2 building the language that would work for our area. So
3 it's not like we're not working on it.

4 COMMITTEE MEMBER WASHINGTON: Let me tell you the
5 problem. The problem is that when you come before our
6 Board, this has nothing to do with your authority. This
7 has to do with the City of --

8 MR. JOHNSON: That's correct.

9 COMMITTEE MEMBER WASHINGTON: So whether it's
10 based on you guys working together or not, somewhere you
11 have to move forward so we can base our decisions on
12 individual cities, not the Authority.

13 MR. JOHNSON: Understood.

14 CHAIRPERSON MARIN: Go ahead.

15 DEPUTY DIRECTOR SCHIAVO: You do have the options
16 available in the Item, Number 3 or 4. Number 3 says you
17 can make a recommendation to have it done immediately, put
18 it into the Plan of Correction.

19 CHAIRPERSON MARIN: I'm going to do that, Steve.
20 And I hope this will actually help you round everybody
21 else up.

22 MR. JOHNSON: I had nothing to do this fall.

23 COMMITTEE MEMBER WASHINGTON: Madam Chair, I'd
24 like to move adoption of Resolution 2005-215 with Option
25 3.

1 CHAIRPERSON MARIN: Okay. Moved.

2 COMMITTEE MEMBER PEACE: I'll second that.

3 CHAIRPERSON MARIN: And seconded. And without
4 objection, that will be the order. And we will put this
5 item on consent.

6 Thank you, Steve. I really appreciate you being
7 here.

8 Okay, next item.

9 DEPUTY DIRECTOR SCHIAVO: That's it for us.
10 Abbreviated day.

11 CHAIRPERSON MARIN: Abbreviated day. Thank you
12 so much.

13 Ms. Wohl.

14 DEPUTY DIRECTOR WOHL: I think I like going first
15 better.

16 CHAIRPERSON MARIN: You only have five items.
17 Let's shoot through this.

18 DEPUTY DIRECTOR WOHL: Let me start, Patty Wohl
19 from the Waste Prevention and Market Development Division.
20 I've been editing my report as I sat there, so let me just
21 cover a few quick things.

22 I wanted to mention that staff attended the
23 Hilton Hotels Corporation green lodging press event that
24 was held on Friday. The Hilton family is the first hotel
25 corporation to sign on to the green lodging program.

1 Chair Rosario Marin presented the award and gave a
2 presentation, which was followed by a tour. And we did
3 have some press there, Waste News, the Spanish Channel.
4 And we're excited that Traveler magazine and VIA magazine
5 are both doing articles on that. So that's exciting.

6 I wanted to give you an update on the residential
7 green building guidelines, because I've seen some letters
8 coming across. I wanted to make sure you understood what
9 was going on there. Staff from the Sustainable Building
10 Program held an interested parties meeting on July 21st in
11 Sacramento to solicit comments and answer questions about
12 the residential guidelines. We had requested the comments
13 be forwarded by last week. But because of the high amount
14 of interest and staff's desire to make sure we gave
15 everyone adequate time, we've informally allowed more time
16 for that. In fact, we have a meeting with manufacturers
17 and other interested parties this Thursday.

18 This is an item in the green procurement action
19 plan. Staff plans to bring the guidelines to the Board in
20 either September or October. So these really aren't
21 guidelines that we would be following. These would just
22 be another tool in the toolbox that we would give, you
23 know, to the local jurisdictions as another product for
24 them to implement. I think I heard one of the
25 jurisdictions talking about their sustainable buildings.

1 So this would be kind of a tool to help that happen. So
2 you may see some letters on that.

3 I also wanted to mention that in addition as part
4 of our green procurement action policy, I'm pleased to
5 announce the Compost Solution Workshop will be held on
6 September 12th, 2005, at U.C. Riverside. The workshop
7 will address how to use more recycled organics to solve
8 many of California's environmental landscape, agriculture,
9 and watershed management problems. The session will cover
10 such topics as the benefits, standards, production, types,
11 and uses of compost as well as in-depth suggestions on
12 soil quality, best management practices, and regulatory
13 issues.

14 And then, lastly, we have an e-waste joint
15 workshop with CIWMB and Toxics coming up on August 23rd.
16 This will be to discuss the emergency regulations and the
17 final rule making. Staff anticipates beginning the formal
18 rule making process this fall with the goal of adopting
19 regulations in the fall of 2006.

20 So that completes my report. If there are any
21 questions or comments.

22 CHAIRPERSON MARIN: It was a really great event
23 at the hotels and the greening of hotels in San Diego.
24 That was very nice.

25 I do have a question. I know you're probably

1 referring to the California Green Builder letter from them
2 regarding the new home construction guidelines. They
3 specifically stated that it appears none of these groups
4 was invited to participate.

5 DEPUTY DIRECTOR WOHL: We have made an attempt to
6 open it up, and it's been publicly announced. But like I
7 said, we'll continue to kind of add extra time on there to
8 get everyone's comments in there. So we're interested in
9 everyone's participation.

10 CHAIRPERSON MARIN: We truly are. And I think we
11 really need to make -- as hard as we try -- and I know
12 sometimes we do not succeed, maybe even making phone calls
13 to some of these very important groups. If we know we are
14 going to be mandating something to one industry, it would
15 be really appreciated that they're part of, you know, the
16 very first meeting. I mean, I'm going to be drafting a
17 letter to them encouraging them. We can't expect just
18 because we have put a web page or whatever, this
19 information on, that every other industry group is going
20 to be looking at it. I want to assure the industry
21 that -- Building Industry Institute that we will call upon
22 them and their peers. They claim we didn't invite them.
23 And we need to draft a letter in response to ensure them
24 we will invite them all.

25 DEPUTY DIRECTOR WOHL: I believe that's the

1 meeting Thursday. We're having a private meeting with
2 them.

3 CHAIRPERSON MARIN: Good. I may even stop by.
4 Thank you, Patty. Are we ready for Item Number
5 25?

6 DEPUTY DIRECTOR WOHL: We are ready. So Agenda
7 Item 25 is Consideration of the Recycling Market
8 Development Revolving Loan Program Application for Desert
9 Solutions, Inc. And Jim La Tanner will present.

10 LOAN PROGRAM SUPERVISOR LA TANNER: Good
11 afternoon, Committee members.

12 Desert Solutions, Inc., is requesting an RMDZ in
13 the amount of \$1,312,500 loan to operate an organic
14 recycling and composting facility in Cathedral City,
15 California. This is located within the Riverside
16 recycling market development zone. It's a brand-new
17 start-up company.

18 As a result of this loan, that will divert an
19 additional 45,000 tons per year and create approximately
20 eight new jobs. The Board's Permitting and Enforcement
21 Division has issued the proper permits for this facility,
22 and the Diversion, Planning, and Local Assistance Division
23 has confirmed that the materials are currently going to a
24 landfill.

25 The Loan Committee met on August 4th and approved

1 the applicant's ability to repay and collateralize the
2 loan as presented.

3 Staff recommends adoption of Resolution 2005-220
4 to approve the RMDZ loan to Desert Solutions, Inc., in the
5 amount of \$1,312,500.

6 Mr. Stan Warshaw, manager of the company, is here
7 to make a presentation.

8 CHAIRPERSON MARIN: Hello. Welcome.

9 MR. WARSHAW: Good afternoon, Madam Chair and
10 Committee members. My name is Stan Warshaw. I'm with
11 Desert Solution, Inc. We're working the City of Cathedral
12 City. I'd like to say thank you to them and express that
13 you note that Deana Presgrove has really been a tremendous
14 help for this to happen. Actually, everybody has been a
15 tremendous help. You're very tough to get through on
16 permits. And we're already up to the stage of the
17 building permit. We're ready to go.

18 It's a unique thing. It's an in-vessel compost
19 facility. It will be the first private one I think in the
20 state. And it will probably be built at a fraction of the
21 cost of anything that's ever been done out here. It was
22 devised by a gentleman, Transform Compost, in Canada.
23 He's built the University of Alberta and building a
24 facility in China right now.

25 What it will do is handle food and green waste,

1 and the percentage could be up to 40, 50 percent food
2 waste. Has to be separated. Has to be clean. Has to be
3 more postconsumer to where it would come from mainly
4 really source separated, from hotels. Could be from
5 schools. Could be from supermarkets. And it could be
6 through a diversion of source separated. If you're
7 familiar with Eden Hill Landfill, it's right at the top.
8 We're right next to Waste Management's transfer station.
9 Cathedral City has total flow control, I think they say,
10 of their particular product. And that's basically what it
11 does.

12 I mean, if I can answer any questions, I'd be
13 happy.

14 CHAIRPERSON MARIN: I'm just asking. When you
15 talk about an in-vessel, is it like the building, or you
16 actually have a --

17 MR. WARSHAW: Yes. I'll explain it a little bit.
18 It looks like a bowling alley, 280 feet long. And it will
19 be covered by a canvass, white building. It will have
20 biofilters. It will have sprays. It can control the mist
21 and control the temperature probes inside. What makes
22 this unique is the turner that was invented by John Paul.
23 It's a diesel turner instead of electric, like Santa Rosa
24 has. And the cost of electric has been absolutely -- just
25 couldn't be done. And the cost of it, it's an

1 out-of-the-way site. They will have all the proper
2 protections --

3 CHAIRPERSON MARIN: So it's actually a composting
4 facility?

5 MR. WARSHAW: Inside.

6 CHAIRPERSON MARIN: Inside. Wow. That's
7 amazing. Because one of the biggest complaints from
8 composting facilities is the odor, and it is because it's
9 in the open.

10 MR. WARSHAW: And it's next to the landfill, so
11 the nimbeism and the whole scene is not involved. For a
12 long time, there were other things involved, cleaning the
13 site, preparing the site, and getting it ready. And
14 that's --

15 CHAIRPERSON MARIN: Well, we want you to be very
16 successful. We really want you to be successful. Let me
17 tell you why. I mean, some of our friends from the
18 environment are here. The biggest issue that they push is
19 composting. You know, we want what is biodegradable to
20 degrade. And the best way is composting. But,
21 unfortunately, when we place these facilities out in the
22 communities, nobody wants them because of the smell and
23 other -- the flies.

24 MR. WARSHAW: Well, it is a problem. You know,
25 you worry about the animals. You worry about all those

1 things.

2 The other thing is the collection system I
3 think -- I've seen what Norcal has done, and I think
4 source separation -- and hopefully in the valley will work
5 like they did, because they made it happen through the way
6 they saw us. Also, fees have gone up. And landfill costs
7 have gone up that makes it profitable. When they were
8 very low, you just can't afford the facility. And,
9 unfortunately, that is the main incentive. So thank you
10 very much.

11 CHAIRPERSON MARIN: Well, Mr. Warshaw, we wish
12 you the very, very best. We want you to succeed, and then
13 we want you to pay us back.

14 One last question. I'm sorry.

15 COMMITTEE MEMBER PEACE: So you've gotten all
16 your permits. When do you expect to actually start
17 operation?

18 MR. WARSHAW: We built the facility -- if
19 everything works out and loan goes through, we can start
20 building within 60 days. We can be finished within 90 to
21 120 days.

22 CHAIRPERSON MARIN: We'll all come to the
23 opening.

24 MR. WARSHAW: You will be invited. I'm sure
25 Cathedral City will be sure of that.

1 CHAIRPERSON MARIN: We want you to succeed so
2 bad.

3 MR. WARSHAW: They made some hard rules, they say
4 if this works --

5 CHAIRPERSON MARIN: You know, for us, the
6 reason -- I guess one of the reasons why we would be
7 supportive of it is because the effect it will have on
8 other facilities, you know.

9 MR. WARSHAW: Thank you.

10 CHAIRPERSON MARIN: We want you to succeed. Go
11 out there.

12 COMMITTEE MEMBER PEACE: You feel there's a big
13 market out there for the compost you're going to produce?

14 MR. WARSHAW: For quality compost, there's
15 always. We're not bagging now, but if we had to, we'll do
16 whatever it takes. But you can control the mix, which is
17 really a difference than just whatever you make.

18 Thank you very much, and thank you for your time.

19 CHAIRPERSON MARIN: Is there a motion to approve
20 the loan, \$1.3 million?

21 COMMITTEE MEMBER PEACE: I'd like to move
22 Resolution 2005-220.

23 COMMITTEE MEMBER WASHINGTON: Second.

24 CHAIRPERSON MARIN: Moved and seconded.

25 We're spending money. Just call the roll,

1 Ms. Bakulich, please.

2 EXECUTIVE ASSISTANT BAKULICH: Peace?

3 COMMITTEE MEMBER PEACE: Aye.

4 EXECUTIVE ASSISTANT BAKULICH: Washington?

5 COMMITTEE MEMBER WASHINGTON: Aye.

6 EXECUTIVE ASSISTANT BAKULICH: Marin?

7 CHAIRPERSON MARIN: Aye. Okay.

8 DEPUTY DIRECTOR WOHL: Agenda Item 26 is

9 Consideration of a Proposal Regarding the Annual Recycled
10 Product Trade Show. And Monique Sikich will present.

11 COMMITTEE MEMBER WASHINGTON: I though we were
12 going to make it out of here without any Power Point.

13 (Thereupon an overhead presentation was
14 presented as follows.)

15 MS. SIKICH: Good afternoon, Madam Chair and
16 Committee members. My name is Monique Sikich, and I'm the
17 Contract Manager of the annual Recycled Product Trade
18 Show. Our item today is presentation of a proposal
19 regarding the annual Recycled Product Trade Show.

20 --o0o--

21 MS. SIKICH: The Board's Trade Show has been a
22 great success. We've had a total of six shows to date,
23 two of them in Southern California and four in Northern
24 California. There's been thousands of RCPs and EPPs sold
25 due to this Trade Show. Contracts have been signed on the

1 floor as well as after the show. This Trade Show has been
2 said to jump-start businesses. Valuable contacts have
3 been made between exhibitors and attendees, as well as
4 Board staff. We've had outstanding survey results from
5 exhibitors and attendees, and we have many repeat
6 exhibitors.

7 --o0o--

8 MS. SIKICH: So as the saying goes, the show must
9 go on. And staff is proposing a public and private
10 partnership --

11 --o0o--

12 MS. SIKICH: -- with the Stockton Ag Expo and
13 Recycling Expo, also know as REXPO. These two shows are
14 held together, and they're hosted by the greater Stockton
15 Chamber of Commerce.

16 --o0o--

17 MS. SIKICH: The Stockton Ag Expo is going on its
18 30th year. They have 5,000-plus attendees. We feel this
19 is a great tie-in with our farm and ranch programs, tire
20 and oil, compost and mulch. And they are looking at
21 having e-waste and HHW collection at the front gates of
22 the show.

23 --o0o--

24 MS. SIKICH: REXPO is a new idea for the Stockton
25 Ag Expo. They're going on their second year. It was very

1 well received. Everybody was very excited about it. They
2 are excited for the growth and a partnership with the
3 annual Trade Show. They believe in our mission, and they
4 want to continue the efforts of the Recycled Product Trade
5 Show.

6 --o0o--

7 MS. SIKICH: The Stockton Ag Expo and REXPO are
8 held at the San Joaquin Fairgrounds. We have visited the
9 fairgrounds, and they are talking the talk and walking the
10 walk. To highlight some of their environmental efforts,
11 they already have 90 percent diversion on the fairgrounds,
12 and they welcome the chance to raise that percentage.
13 They have cardboard collection, recycle bins. They use
14 recycled paint and plastic lumber.

15 --o0o--

16 MS. SIKICH: The current year funding already
17 allocated to the Trade Show this year is \$175,000. These
18 funds could be redirected. This would also allow staff to
19 focus on other priority areas.

20 --o0o--

21 MS. SIKICH: We have remaining prior year funds
22 in an existing contract with California State University
23 of Sacramento. It's approximately \$100,000. We propose
24 the use of these funds --

25 --o0o--

1 MS. SIKICH: -- to go towards a \$20,000
2 partnership with REXPO for their upcoming show that we
3 would be a partner with this January.

4 We would be greening hotels in the Stockton area.
5 Our goal would be to have three hotels greened by the show
6 and to be able to promote those hotels for the show.

7 We would need to refund any registration fees
8 that we have already collected for our Recycled Product
9 Trade Show that was scheduled for April of 2006. We would
10 be helping to make the Stockton Ag Expo and REXPO a zero
11 waste event.

12 These funds would also go towards various tasks
13 to do this transition and merger with the Sac State
14 contract. And the notifications would need to be sent out
15 to past exhibitors and attendees notifying them of this
16 merger.

17 --o0o--

18 MS. SIKICH: Some of the benefits that the Board
19 would receive by partnering with REXPO is building public
20 and private sector relations. The Board would have their
21 logo on all promotional items and materials. The Board
22 would -- all Board programs who wanted to exhibit would
23 get booth spaces at the REXPO. We would get 50 free Board
24 passes to Board staff to the REXPO. We would be involved
25 in the greening of the fairgrounds and making the event a

1 zero waste event and greening of area hotels and promotion
2 of Board programs.

3 --o0o--

4 MS. SIKICH: This concludes my presentation. The
5 staff recommends the merger of the annual Recycled Product
6 Trade Show with the recycling expo portion of the Stockton
7 Ag Expo and for the Board to approve Option 1 and adopt
8 Resolution Number 2005-235.

9 Our contacts with the Greater Stockton Chamber of
10 Commerce are here today if you have any specific questions
11 pertaining to the Stockton Ag Expo and REXPO events.

12 CHAIRPERSON MARIN: That's awesome. This is
13 awesome. This is absolutely incredible. Who came up with
14 this great idea? I want to know. This is amazing.

15 Patty, did you come up with this great idea?

16 DEPUTY DIRECTOR WOHL: Frank and I were at a zone
17 works recently, and we started talking about it. Because
18 we've been trying to get in contact with the Farm Bureau
19 and do some of that with the Farm and Ranch, a whole host
20 of things. So I thought it might be a good marriage.
21 Plus, the 5,000 attendees was intriguing, to get to a new
22 group of people so --

23 CHAIRPERSON MARIN: That's awesome. Somebody's
24 here. Please come in and address the Board.

25 MS. SIKICH: This is Frank Farrell.

1 CHAIRPERSON MARIN: Hi, there.

2 MR. FARRELL: Good afternoon, Madam Chair,
3 Committee members. Frank Farrell, Program Public Policy
4 Director for the Stockton Chamber of Commerce. I'm here
5 to answer any questions you may have.

6 CHAIRPERSON MARIN: You have a great program.
7 Clearly, the experience in putting this fair or Expo
8 together is just amazing. Can you see the fit?

9 MR. FARRELL: Absolutely. I see the nexus
10 between, you know, the private and public sector coming
11 together for a common cause.

12 Just to give you a brief history about myself, in
13 grad school when I was going to California State
14 University Stanislaus, I took on an internship to run the
15 Stanislaus County and Merced County Recycling Market
16 Development Zone Program. Ever since, I've been walking
17 through the landfills, checking on businesses, and doing a
18 quick waste audit when I'm walking through a business and
19 helping them, assisting them in diverting their waste
20 stream to another company.

21 So what we do at Chambers of Commerce, we do
22 network. So I network a lot of businesses together. And
23 this is a fabulous opportunity. It's a wonderful
24 partnership, you know. And we will continue to do the
25 REXPO and get the word out there, at the same time, you

1 know, exploiting all the different programs that you offer
2 here.

3 CHAIRPERSON MARIN: It makes you wonder why we
4 didn't do it sooner, if you've been around for 30 years.
5 But it's a great step. I just think it's a great
6 marriage. And I'm really fascinated by what I can
7 envision, you know, going further with this program. So
8 very nice.

9 Ms. Peace.

10 MR. FARRELL: Thank you.

11 COMMITTEE MEMBER PEACE: I know it sounds
12 exciting to me. A partnership sounds like it makes a lot
13 of sense, but I still have a couple questions. The REXPO,
14 what kind of recycled products have they been exhibiting?

15 MR. FARRELL: Well, this is our second annual.
16 Last year, we had the idea late in the game, so we put
17 together the program as an exhibit at the Ag Expo. We had
18 a lot of the C&D products. We've had tire products with
19 Golden Byproducts out of Ballico, one of the companies I
20 worked with back in '95 to get those guys going. So it
21 was an excellent fit there.

22 We also highlighted the collectors, like the
23 waste haulers, and also the retailers that sell the
24 recycled content products. Because without selling them,
25 there's no market. So we try to hit all aspects of the

1 market, not just the collection, manufacturing, and also
2 the retail sector, bringing them all together for a common
3 cause.

4 COMMITTEE MEMBER PEACE: Have some of your
5 exhibitors been to REXPO, are they some of the same ones
6 that go --

7 DEPUTY DIRECTOR WOHL: Some. But I think our
8 plan would be to try to grow there, to really get a lot of
9 our exhibitors to go to them, which would be a combination
10 then of -- we've never really talked about the retailers.
11 That's kind of interesting, too. And to get maybe some of
12 that cross talk between the manufacturers and the
13 retailers. So we would share our exhibitor list and try
14 to promote that, as well as our attendees list.

15 In fact, we thought Stockton is not that far for
16 the local purchasing people to go. And maybe we could
17 even use some of these funds to do a shuttle back and
18 forth if it's an issue of transportation, to try to keep
19 the quality of the buyers. Plus, now you expand to
20 farmers and the public at large.

21 COMMITTEE MEMBER PEACE: Have you done any poll?
22 The exhibitors that usually exhibit at our Trade Shows,
23 have you gotten any response or any feeling that they
24 would want to --

25 DEPUTY DIRECTOR WOHL: We really were reserving

1 until we came here to the Board. We did exhibit at REXPO
2 last year the Recycle Store and I believe another booth.
3 And I've heard only positive things from that view, just
4 the traffic and the people interested in our Recycle
5 Store. So I have a feeling it would be very positive that
6 way.

7 And then we did talk to them that we would like
8 some statistics on the back-end, doing some surveying of
9 the exhibitors and attendees if they can to give us some
10 data to decide if this is something we want to do long
11 term or not.

12 COMMITTEE MEMBER PEACE: This is just a one-year
13 proposition?

14 DEPUTY DIRECTOR WOHL: This is just a one-year
15 proposition. It's just for this money. We would bring a
16 separate allocation next year if we were going to continue
17 this, or there's been some talk about a north/south. This
18 might be a north solution, but we'd want some south
19 presence. So it might be a combo of another show or
20 something that we hear of.

21 COMMITTEE MEMBER PEACE: You're saying it's going
22 to cost \$100,000 to do this transition?

23 DEPUTY DIRECTOR WOHL: Part of it's that. I'm
24 not expecting to use it all. I just didn't know how much
25 we might need. Part of it is to -- we do have to refund

1 some money if they can't free up that date and move from
2 one to the other. So we want to have some flexibility
3 there.

4 Ongoing, it would just be the 20,000 sponsorship
5 fee. That's all we would be doing. Because by then,
6 they'd know. We wouldn't have to do a transition. We'd
7 have hotels green and all that.

8 COMMITTEE MEMBER PEACE: If we stay with the
9 partnership, it would be 20,000 a year?

10 DEPUTY DIRECTOR WOHL: Yeah.

11 COMMITTEE MEMBER PEACE: If we did the evaluation
12 and it didn't work out, how much would it cost to
13 transition back?

14 DEPUTY DIRECTOR WOHL: We would be back to the
15 full funding of a Trade Show, which has been \$175,000
16 typically per year. And, you know, there might be a
17 little gap, because it takes some time to build that up
18 and, you know, pick a date and all of that that would go
19 on.

20 COMMITTEE MEMBER PEACE: I don't have any more
21 questions. Sounds exciting.

22 CHAIRPERSON MARIN: Thank you, Mr. Farrell.
23 Thank you for all your work.

24 MR. FARRELL: Just two things very quickly.
25 Steve Boyd needs to come. He's a firecracker, and we need

1 him there.

2 Second thing is, you know, our pricing for the
3 booths are very competitive. So we fully expect to
4 succeed this year. We're going into this as we're going
5 to succeed, not as, you know, Plan B.

6 COMMITTEE MEMBER WASHINGTON: Patty, in terms of
7 our Trade Show, how many attendees did we have at our last
8 Trade Show?

9 DEPUTY DIRECTOR WOHL: Last year was one of our
10 lowest years. It was only about 1,000. So this is the
11 difference. But there is the issue of feeling like we did
12 get some real big purchasers and there was some good
13 connection. So it's not always numbers but --

14 CHAIRPERSON MARIN: Was it 1,000 people, would
15 that include the exhibitors?

16 DEPUTY DIRECTOR WOHL: No. That's 1,000, you
17 know, either State or local or private purchasers.

18 COMMITTEE MEMBER PEACE: You still feel like all
19 those thousand purchasers will still be willing to go to
20 Stockton?

21 DEPUTY DIRECTOR WOHL: Well, I guess we're going
22 the test it and see. It's not that far for the State
23 employee to go to Stockton for the day for an event. It
24 usually switches. We don't get a lot of the Sacramento
25 people going to Southern California. It sort of changes.

1 COMMITTEE MEMBER WASHINGTON: Twenty thousand for
2 5,000 versus 175,000 for 1,000. I ain't no math scientist
3 here, but I can tell you what --

4 CHAIRPERSON MARIN: You're not? You had me
5 fooled.

6 COMMITTEE MEMBER WASHINGTON: I'm sitting here
7 adding it up in my head. It makes all the sense in the
8 world to try something different.

9 Madam Chair, I'd like to move adoption of
10 Resolution 2005-235.

11 COMMITTEE MEMBER PEACE: Second.

12 CHAIRPERSON MARIN: Moved and seconded. Without
13 objection -- well, we're spending money, call the roll.

14 EXECUTIVE ASSISTANT BAKULICH: Peace?

15 COMMITTEE MEMBER PEACE: Aye.

16 EXECUTIVE ASSISTANT BAKULICH: Washington?

17 COMMITTEE MEMBER WASHINGTON: Aye.

18 EXECUTIVE ASSISTANT BAKULICH: Marin?

19 CHAIRPERSON MARIN: Aye.

20 And like this one, the Item 25 will go into
21 fiscal consent.

22 DEPUTY DIRECTOR WOHL: My last item, Agenda Item
23 27, Consideration of Request by Plastic Trash Bag
24 Manufacturers for Exemption for the Inability to Obtain
25 Sufficient Quality or Quantities of Recycled Postconsumer

1 Material to Demonstrate Compliance for the 2004 Reporting
2 Period for Glad Products Company, dba, Glad Manufacturing
3 Company, Pactiv Corporation, Poly-America, LP, Trans
4 Western Polymers, Inc., and Republic Bag.

5 And Sue Ingle will present.

6 (Thereupon an overhead presentation was
7 presented as follows.)

8 MS. INGLE: Hello, Board Chair Marin and
9 Committee members. My name is Sue Ingle, and I will be
10 presenting Item AAA, or Board Agenda 27, the Consideration
11 of the Exemption Requests by Plastic Trash Bag
12 Manufacturers for the 2004 Reporting Period.

13 --o0o--

14 MS. INGLE: Last month, the Board adopted the
15 list of compliant manufacturers and the list of
16 noncompliant manufacturers and wholesalers and posted
17 these lists on our website. Today, we are here to discuss
18 the exemption request of the following five companies:

19 --o0o--

20 MS. INGLE: Glad Products, doing business as Glad
21 Manufacturing, a subsidiary of Clorox Company; Pactiv
22 Corporation; Poly-America; Trans Western Polymers; and
23 Republic Bag.

24 --o0o--

25 MS. INGLE: This is a summary of the 37

1 manufacturers and their postconsumer material use for the
2 2004 reporting period.

3 The number in pink, my favorite color, represents
4 3,279 tons of postconsumer material required for these
5 five exemption request companies to reach 10 percent
6 compliance. These 3,279 tons are minuscule compared to
7 the 1.7 million tons of film plastic disposed in
8 California each year. Furthermore, film plastic is
9 recycled at a dismal rate of 5 percent or less nationally.

10 Staff contacted several suppliers of postconsumer
11 resins about availability of linear low density
12 polyethylene resins, their availability, and believed
13 there was at least 3300 tons of postconsumer resins
14 available last year for these exemption companies to meet
15 10 percent compliance.

16 Board staff have been working on quality issues
17 by conducting workshops and developing quality guidelines
18 with the help of Chico State University to help with
19 recycling plastic material.

20 --o0o--

21 MS. INGLE: We compared the top ten plastic trash
22 bag manufacturers by their sales. Within this group of
23 top ten, five companies requested exemptions and five
24 companies were compliant with the law and were able to
25 meet a compliance rate of 13.4 percent. And these are the

1 compliant companies, while the five companies requesting
2 an exemption were collectively at a 3.2 percent
3 postconsumer resin usage.

4 The five exemption companies sold more than
5 13,000 tons from the other top five companies that met the
6 minimum content requirements of the law. I think this
7 begs the question of why half of the largest bag
8 manufacturers use more than 10 percent postconsumer resins
9 when the other half claim an inability to use postconsumer
10 material at 10 percent.

11 --o0o--

12 MS. INGLE: The exemption criteria is very
13 specific and requires extensive documentation. This
14 information is provided in regulations, and these steps
15 were outlined in the certification packet sent via
16 certified mail to each manufacturer.

17 By the way, this is not the first exemption
18 request for four out of five of these companies. Some of
19 these companies have requested exemptions since 1999.

20 To be recommended for an exemption for 2004, each
21 company was evaluated on how well they met the criteria,
22 their PCM usage, which is postconsumer material, and their
23 previous commitments. We will go through each company
24 starting with a history of their sales and the
25 postconsumer use from 2001 to present.

1 --o0o--

2 MS. INGLE: First, I'd like to go through
3 Poly-America. This shows a history of their PCM use
4 increase along with an increase in their sales from 2001
5 to 2004. Each year, Poly-America has steadily progressed
6 in using and increasing their use of PCM in trash bags.
7 Poly-America hired an employee dedicated to sourcing
8 postconsumer material and still cites postconsumer
9 material quality as a roadblock. Poly-America was granted
10 an exemption each year from 1999 to 2003. Please note
11 that Poly-America's sales were four to seven times more
12 than the other exemption request companies, yet they used
13 the highest rate of postconsumer material.

14 --o0o--

15 MS. INGLE: Poly-America makes the Costco bags
16 and other private label bags.

17 Staff reviewed the documentation presented by
18 Poly-America's exemption request and determined this
19 company showed a reasonable effort in acquiring PCM in
20 manufacturing regulated trash bags. They submitted
21 documentation of contacting 28 suppliers and tested
22 samples from three sources. Their PCM increased from 2003
23 by 186 tons, and they continued to test and rely on bailed
24 film that is reprocessed by Poly-America for use in their
25 products. They also used a very large sum of PCM in their

1 other plastic products and have been participating in the
2 2005 plastic film recovery work groups.

3 --o0o--

4 MS. INGLE: Next, Glad Products. They used very
5 little PCM from 2001 to present. Last year, Glad was
6 granted an exemption based on their equipment
7 modifications to incorporate more PCM into their
8 multi-layer bag. But this apparently stopped in 2004.
9 Their sales have increased compared to 2003, but their PCM
10 use has plummeted to zero.

11 --o0o--

12 MS. INGLE: Glad presented minimal documentation
13 and showed minimal efforts to obtain and use PCM as
14 promised for the 2004 reporting period. Glad listed 14
15 suppliers they contacted, but did not provide adequate
16 documentation of conversations with their suppliers, nor
17 feedback from these suppliers. Glad tested four samples
18 and did not resolve the issues with these to their
19 suppliers to work on using more PCM.

20 --o0o--

21 MS. INGLE: Pactiv Corporation's history shows
22 another decrease in PCM use from 2001 to present, yet
23 their sales of regulated plastic trash bags into
24 California have increased each year. Pactiv manufacturers
25 the Hefty bag and the Renew bag. The Renew bag uses a

1 considerable amount of postconsumer material.

2 --o0o--

3 MS. INGLE: Starting in 2003, Pactiv promised to
4 use significantly more PCM, because they completed \$3.5
5 million in capital improvements to modify their production
6 lines. But these improvements did not appear to increase
7 their postconsumer resin usage in their manufacturing.
8 Pactiv contacted eleven suppliers, mostly suppliers of
9 postconsumer material pellets. But this still did not
10 increase their use of PCM. Pactiv has the ability to
11 reprocess resins from bailed linear low density
12 polyethylene stretch wrap. But they only used 130 tons of
13 bailed material that was acquired from a distribution
14 warehouse. Pactiv has been actively involved with the
15 film plastic work groups and the quality assurance
16 contract for postconsumer material with Chico State.

17 --o0o--

18 MS. INGLE: Trans Western Polymers, on the other
19 hand, used slightly more PCM for the 2004 reporting period
20 as compared to 2002 and had a slight decrease in sales
21 from last year. However, Trans Western Polymers' strategy
22 to use PCM with a consistent supplier ended when a key
23 supplier who had been dealing with compliance issues,
24 Mr. Greg Moriarty, he left the company, and his efforts to
25 bring Trans Western Polymers into compliance has ceased.

1 --o0o--

2 MS. INGLE: Although their PCM use was up by 20
3 tons, Trans Western submitted no supporting documentation,
4 even after staff contacted them about the lack of
5 supporting documentation required for an exemption
6 request.

7 In 2003, Trans Western had worked with staff and
8 committed to moving towards compliance for 2004 and the
9 future. Staff believe Trans Western Polymers did not meet
10 their 2003 commitments.

11 --o0o--

12 MS. INGLE: Republic Bag. As you can see,
13 Republic Bag's postconsumer material use has drastically
14 decreased from 2002 to present. Republic Bag reported to
15 staff that the company was close to bankruptcy due to
16 financial issues. They sent a letter stating they were
17 near bankruptcy and the high cost of labor, energy, and
18 postconsumer material was making it difficult for them to
19 stay in business along with companies importing bags from
20 outside the U.S.

21 --o0o--

22 MS. INGLE: This is the first exemption request
23 for Republic Bag. They used 639 tons less postconsumer
24 this year than last year. Republic Bag did not submit any
25 documentation to address the criteria for an exemption as

1 stated in their certification packet they received.

2 --o0o--

3 MS. INGLE: Based on the information provided,
4 staff recommends the Committee adopt Option 1, therefore
5 granting an exemption to Poly-America and post them on the
6 compliant list.

7 --o0o--

8 MS. INGLE: On the other hand, staff recommends
9 the Committee adopt Option 2 and disapprove exemptions for
10 Glad Products doing business as Glad Manufacturing, Pactiv
11 Corporation, Trans Western Polymers, and Republic Bag, and
12 direct staff to place these companies on the list of
13 noncompliant manufacturers and wholesalers for 2004 and
14 publish this list on the CIWMB website.

15 --o0o--

16 MS. INGLE: This concludes my presentation, and
17 I'll entertain any questions. Thank you.

18 CHAIRPERSON MARIN: Thank you, Sue. I don't know
19 if there are any questions for staff right now.

20 I know we have a few representativess from those
21 companies that would like to make presentations. So
22 unless you have questions for staff, Ms. Peace, Mr.
23 Washington. No.

24 Before I call on the representatives from the
25 companies, I'm going to ask Mr. Scott Smithline. He is

1 requesting to speak regarding this issue.

2 MR. SMITHLINE: Good afternoon, Madam Chair,
3 Committee members, Scott Smithline, Californians Against
4 Waste.

5 Just a brief message today. We just really
6 wanted to acknowledge the efforts of Poly-America today.
7 While they didn't meet their 10 percent goal, they've
8 really shown a significant commitment to sourcing
9 postconsumer resin, which is one of the main challenges
10 these manufacturers have faced, and they have a business
11 model that allows them to do that. And the fact they have
12 a business model that allows them to do that is, we think,
13 a real form of producer responsibility.

14 And so I just wanted to point out that, you know,
15 the plastic trash bag is the last stop before the landfill
16 for plastic materials. And to the extent we're putting
17 any virgin material into that, to the extent we can avoid
18 putting any ton of virgin material into trash bags is a
19 good thing.

20 That said, the plastic trash bag law has not been
21 exceptionally cost effective in terms of resources, be it
22 on the part of this Board or the stakeholders or
23 manufacturers in complying with this law, and we have been
24 working and continue to work with the plastic trash bag
25 industry representatives so we can achieve the goal of

1 this law, but maybe find a more effective way in doing it.

2 So thank you for the time.

3 CHAIRPERSON MARIN: Thank you. We do have five
4 different Resolutions. So I'm going to take each one
5 individually.

6 We're looking at the very first one is 228, Glad.
7 So we do have a representative here from Glad, Laurie
8 Nelson. Ms. Nelson, why shouldn't we adopt Resolution
9 228?

10 MS. NELSON: Madam Chair, members, thank you for
11 asking that question. I'm Laurie Nelson on behalf of the
12 Glad Company. And we would respectfully but very strongly
13 disagree with your staff's recommendation to deny our
14 exemption. And I'd like to, with the Committee's
15 indulgence just briefly go through a quick history, the
16 suppliers' list, the changes we've made in our
17 manufacturing line, our capital and personnel investments.
18 And I'd like to close why we believe Glad is still a major
19 success story, even at zero percent PCR.

20 First on the historical perspective, because as
21 they said, since 1999 we've been coming before you for an
22 exemption. We started evaluating PCR suppliers back in
23 1990. We started running low percentage PCRs in our bags.
24 We got suppliers qualified. We ramped up production. By
25 mid '94, we had six different suppliers and we had a rate

1 of over 15 million pounds of PRC, which 1.5 million was
2 going into California. Many suppliers started having
3 financial difficulties, 94/95. We were left with one
4 supplier late into the '90s, and that was Resource
5 Plastics in Ontario, Canada. In 1999, they went bankrupt.
6 And that was the first time we had to take a supply
7 exemption based on quality and quantity.

8 So what happened since then? Well, for the
9 suppliers list, from 2000 to 2004, this company has
10 investigated every source we had available to us. The
11 suppliers list, our own source list, the annual top
12 recyclers brokers list, Internet searches, et cetera, et
13 cetera. We've used tremendous resources. We've contacted
14 over 170 suppliers, 100 in 2003 alone. And they were
15 contacted. But these were people who were not in the
16 business or not making the material we're looking for, not
17 making postconsumer recycled material, but using
18 industrial scrap, which does not qualify or make linear
19 low density polyethylene, which is what we need.

20 So while it's all well and good to say the names
21 are correct, the numbers, the addresses are correct, the
22 problem -- the critical problem is they don't supply
23 linear low density PCR. And they may or may not be
24 willing to test and certify the material. If they don't
25 do that, we can't certify it to you.

1 Of those we contacted, 119 are not linear low
2 density. Twenty-one were potential suppliers. We
3 followed those up with more information. We got eight
4 samples. Seven failed to be usable. One company in
5 Arkansas did show promise. There was another company in
6 California where the sample looked promising. We sent
7 people out to visit the plant. We were denied entry to
8 the plant. We determined that not only did the material
9 not meet our specs, but the owners would not certify or
10 even test the material. So we're back to our one supplier
11 in Arkansas.

12 Now, this supplier, they did not meet our specs.
13 The melt index was too low, but we ran it anyway on our
14 machines to get a feel for what the material would do. We
15 ran it at 60 percent, 10 percent, 5 percent, and 3
16 percent. The bags came out with gel globs and holes and
17 tears. Could not meet our bag specs.

18 So what did we do? What we did is reconfigured
19 our entire manufacturing line. It began in 2004. We just
20 finished up in the first quarter 2005. It enables us to
21 layer our bags and use a lower quality PCR. We spent
22 \$260,000 reconfiguring our machines to do that.

23 The other complication in 2004 we faced is that
24 in mid-2004 our only supplier shut down their production
25 line to retool to improve quality and capacity. They shut

1 down for three months, which was a lot longer than they
2 thought they were going to do and also meant we had to
3 redo all the testing on the new material off the new line.

4 While that was happening, we also decided to run
5 the next best material, which also didn't meet our specs,
6 had high density polyethylene, which is hard for us to
7 use. Same levels, 60, 10, 5, and 3. Again, we met with
8 failure, so we discarded thousands of pounds of unusable
9 plastic waste.

10 Our contacts with suppliers, the follow-up
11 running of sample lines has cost this company
12 approximately one-half million dollars every single year,
13 with the exception of 2004, when we spent several hundred
14 thousands more reconfiguring our manufacturing line. We
15 are currently trying to rerun material on these new lines.

16 I also want to make it clear to the Committee
17 it's not a price issue, because PCR is cheaper than
18 virgin. So every incentive is there to use the material
19 if it's at all possible to make a quality product. But
20 it's not.

21 Now there was mention of Poly-America. Our
22 friends at Poly-America are a special case, because they
23 have a scrap collection business. They can make their own
24 PCR. They can certify what they have. They can collect
25 it. In some cases we have suppliers, like I said, who

1 would not even certify for us. And that leaves us in a
2 very hard place.

3 But I wanted to give the Board an example of how
4 we do try to do everything we can. And that has to do
5 with our source reduction. Now, source reduction is not
6 part of the Trash Bag Law specifically. But the overall
7 Board mantra is reduce, reuse, recycle. So I want to
8 touch on this, because I think this is a real success
9 story.

10 These are numbers. For 10 percent recycled
11 content for this company, we'd have to use 1.5 million
12 pounds of PCR. Okay. We can't meet that. But that would
13 be the requirement. The amount in 2004 that we source
14 reduced was 240,000 pounds, 120 tons, with the
15 introduction in the fourth quarter of our Force Flex bags.
16 In 2005, this will increase source reduction to 1 million
17 pounds, or 500 tons, and the annual savings will be this
18 great or greater gone from California landfills. So, in
19 essence, we have source reduced far greater an amount we
20 can ever hope to include in our bags.

21 So this exemption is important to the company.
22 And we believe it's somewhat arbitrary for the staff to
23 recommend that we not be given the exemption. Last year,
24 our exemption was granted for .09 percent, which is 6
25 tons. Since that time, we've worked extensively with

1 suppliers. We've reconfigured our entire manufacturing
2 line to enable us to use lower quality PCR. We source
3 reduced our product with an annual ongoing savings of
4 plastic that's not introduced into California landfills
5 almost equal to what we would have purchased in Arkansas
6 to ship here at the 10 percent recycled content level.
7 Again, 2003, 6 tons; 2004, 121 source reduction; and this
8 coming year, 500 tons or more. We've also devoted
9 considerable capital and personnel time. So we feel we
10 have complied with both the spirit and letter of the law
11 and respectfully request you do grant our exemption as
12 provided for in statute. Thank you.

13 CHAIRPERSON MARIN: Thank you, Ms. Nelson.

14 Why is it that we do not consider reduction?

15 BRANCH MANAGER ORR: This is Bill Orr with the
16 Recycling Technologies Branch.

17 There's two reasons that we don't consider it.
18 First of all, source reduction is actually built into the
19 law in a certain respect. This law applies to regulated
20 trash bags, which are ones that are at least seven mills
21 thick. Most of the source reduced bags are called down
22 gauged bags, and they're actually not included in the law.
23 So if you make a thin bag or you source reduce it so it
24 gets below that .7 mills, it's actually not regulated by
25 the law, and you get credit for source reduction. The

1 other reason is no other form of source reduction is
2 provided for under the law.

3 CHAIRPERSON MARIN: But if our intent is to
4 reduce what goes to the landfill, all of the laws at the
5 end of the day, whether we do it on the front end or the
6 back end, ultimately, our goal is to fulfill, whether it
7 is on the front end or the back end. Why wouldn't the law
8 provide for that? I can understand if our hands are tied,
9 because it's not specified in the law. But we are
10 achieving the fundamental purpose of what the law is
11 intended to do.

12 BRANCH MANAGER ORR: I can't really speak to
13 that.

14 CHAIRPERSON MARIN: And, Mr. Legislator, you did
15 that. It's all your fault. You understand what I'm
16 saying?

17 SUPERVISOR LEAON: This is Mike Leao. I
18 supervise the Plastics Technology Recycling Section.

19 Part of the intent of this law is to support
20 markets for recovered materials. And, certainly, their
21 activity to reduce the amount of material they're using in
22 their bags is consistent with the Board's goals. However,
23 the requirement of this law is to use recycled content
24 material in your trash bags and to support the collection
25 infrastructure that's been implemented in the state. And

1 there's been a lot of money expended by local
2 jurisdictions in setting up that collection
3 infrastructure. And product manufacturers need to meet
4 the intent of the law and to help spur markets for
5 material that's being collected.

6 CHAIRPERSON MARIN: I totally agree with you. I
7 mean, I agree in the sense that we want to create the
8 markets. We are creating the infrastructure.

9 Can all what is being collected is being used
10 right now? Because the question would be -- the next
11 question is, well, we can't find it, because it's being
12 used right now.

13 SUPERVISOR LEAON: This is Mike Leao again, for
14 the record.

15 That's really the crux of the matter here. We're
16 only talking about 3,000 tons of material. And the
17 question really becomes, you know, given the level of
18 effort that has been -- these companies are holding out
19 they've been making, with all the film that's generated in
20 California, you can't find for all five of them 3,000 tons
21 of material. When we did our suppliers survey, we asked
22 specifically, can you meet that supply? Can you supply
23 that amount of material? And the response was yes, they
24 can get that material. Now, quality doesn't --

25 CHAIRPERSON MARIN: Can you give her the names?

1 SUPERVISOR LEAON: Quality does remain an issue.

2 We contacted companies off the supplier list and
3 we contacted some of the companies that the manufacturers
4 have been in contact with and a couple of others that
5 weren't on that list. So it puts us, the staff, in a
6 difficult position when you hear from suppliers they can
7 supply that material and, in fact, express frustration on
8 their part from working with the manufacturers --

9 CHAIRPERSON MARIN: Because it doesn't meet their
10 specs?

11 SUPERVISOR LEAON: Well, and working with them on
12 the quality issues. And the impression that we've been
13 left with from suppliers is that manufacturers are testing
14 material to meet the letter of the law, but that the
15 intent to comply with the law is not there.

16 COMMITTEE MEMBER WASHINGTON: I mean, it's easy
17 to say that as a regulator, they tell me yes. But as a
18 company trying to get that product, I mean, what's the
19 chances -- have we ever went with Glad and say, "Hey,
20 look, they're having a problem. You guys say you can do
21 it. Will you do it for them?" Has that ever been
22 attempted?

23 SUPERVISOR LEAON: We had a workshop specifically
24 on that issue, bringing manufacturers and suppliers
25 together. And I think that workshop did serve its

1 purpose. I think the communications have improved. But
2 it hasn't yet resulted in the use of more postconsumer
3 material.

4 COMMITTEE MEMBER WASHINGTON: Because, I mean,
5 it's very difficult for me. And I asked staff to put this
6 back on the board, because when you talk about reasonable
7 efforts and they're saying for suppliers, we contacted 14
8 suppliers, and we did four testings, and we contacted four
9 suppliers for feedback -- I mean, to say zero, zero, zero
10 as some of the other one does, to me, that says that
11 wasn't a good effort made. So I don't know -- in terms of
12 suppliers, how many suppliers are we talking about out
13 there? Does anybody know a number out there? I mean,
14 does 14 mean anything?

15 DEPUTY DIRECTOR WOHL: Do we know how many are on
16 our list?

17 MS. INGLE: I would guess that nationally there's
18 probably up to 100.

19 COMMITTEE MEMBER WASHINGTON: And so nationally
20 100. And how many do we have on our list? Do we have
21 that 100?

22 MS. INGLE: Forty-two.

23 COMMITTEE MEMBER WASHINGTON: Because when I
24 first came to this Board, I remember the issue came up.
25 And at that time, there was only like 20 something or some

1 number that was pretty low and it was close to this 14.
2 So for me sitting here as a Board member saying they did
3 make a good effort, because they contacted 14 other
4 suppliers, I mean, it's very difficult to try to figure
5 out what's the basis of, other than their numbers, how we
6 not allow them an exemption.

7 DEPUTY DIRECTOR WOHL: I think part of the
8 problem is that 14 contacted, and that's all we have as a
9 list of who they contacted. And the law is specific -- we
10 can put that slide back up, which is the one that says
11 what the regulations say. We want to know who you talked
12 to, what the conversation consisted of --

13 COMMITTEE MEMBER WASHINGTON: So Glad hasn't
14 provided that information on these 14?

15 CHAIRPERSON MARIN: Can you provide that, Laurie?

16 MS. NELSON: We'll get you whatever we have.

17 CHAIRPERSON MARIN: Ms. Nelson, we are in a
18 dilemma. Glad is a very important company for the state
19 of California, I mean Glad, as one small company of a much
20 larger company. And the dilemma, at least for myself, is
21 I can appreciate the efforts and I can appreciate the
22 expenditure of half a million dollars revamping the
23 system. \$500,000 is not little money, even for a large
24 corporation.

25 MS. NELSON: And that's annually our ongoing

1 costs.

2 CHAIRPERSON MARIN: So I can appreciate that.
3 It's an important company for the state of California. We
4 certainly would like to work with you. It seems to me
5 that, for whatever purpose, the efforts have not been
6 documented as well as maybe they should have. And so all
7 we're asking is for a good faith effort. And maybe the
8 documentation of that effort has not met the requirement
9 of the law.

10 I'm very hesitant in approving this as it stands,
11 you know, denying Glad that. How soon can some of this
12 information be provided to ensure that you've actually, in
13 fact, have made a very good faith effort that you, in
14 fact, contacted 14 companies and when you contacted them,
15 whatever the law says.

16 What is the law?

17 The discussions, they have been the PCM
18 specifications. You tested four. You can provide your
19 testing mechanisms.

20 MS. NELSON: I will get you everything we have --
21 I guess this comes before the full Board next week.

22 CHAIRPERSON MARIN: We can delay it. Is there
23 any reason this can't go up until September?

24 SUPERVISOR LEAON: No. We can hear this item
25 again in September.

1 CHAIRPERSON MARIN: Okay. Why don't we do that.
2 Why don't we provide you the time to get all of the
3 documentation in order. I can appreciate you're a big
4 corporation. It should be easier in some instances. I
5 understand it might be more difficult in others. Provide
6 what the exemption criteria gives you, and we will -- you
7 want to say something?

8 COMMITTEE MEMBER PEACE: Can we backtrack on
9 this? They've been given as much time as everyone else.
10 They're a big company. I don't know why we need to give
11 them any more time. They've been given time. Staff has
12 contacted them over and over.

13 But I do have a question for staff. Are there
14 any large manufacturing companies of trash bags that are
15 not claiming an exemption, that actually complied with the
16 10 percent postconsumer resin requirement?

17 SUPERVISOR LEAON: Yes. Thank you for that
18 question. Yes. We have, I believe, 32 manufacturers that
19 are in compliance and --

20 COMMITTEE MEMBER PEACE: They were all able to
21 find --

22 SUPERVISOR LEAON: Right. And one of the slides
23 in the presentation presented information that of the top
24 ten, five of them are compliant.

25 COMMITTEE MEMBER PEACE: Laurie was saying they

1 couldn't find any of the linear low density. Are any of
2 the ones that did comply with the law, do they need the
3 linear low density, and they weren't able to find it?

4 MS. INGLE: Almost all the trash bag
5 manufacturers need linear low density material. They do
6 experiment. Some make bags with high density, low
7 density. But the majority of it is the trash bag
8 manufacturers want the linear low density material, which
9 is mainly stretch wrap, dry cleaning bags. But it's very
10 clean, clear material without labels.

11 COMMITTEE MEMBER PEACE: I want to say this law
12 has been around a long time. They're a big company.
13 They've known what they had to provide us. So I don't
14 know what giving them extra time is going to change
15 anything.

16 MS. NELSON: And that's probably why I tried to
17 do the historical perspective. In 1999, we did have six
18 PCR -- in the early '90s, we had 15 million pounds of PCR
19 we were using, which 10 percent went into California
20 because we were putting it in nationwide in our bags.
21 Since that time, the sources have dried up. I don't know
22 how these other companies are able to supply. And, in
23 fact, the 14 contacts, there were an additional ten, but I
24 know they were just phone calls, so I'm hardly going to
25 bring them up. But contacts are going on all the time.

1 We revamped our manufacturing line. We put
2 extraordinary resources into this. Perhaps those other
3 companies know something we don't or perhaps they have the
4 only supplies out there. But this company has assured me
5 they can't find the PCR that works.

6 CHAIRPERSON MARIN: Well, Ms. Nelson, maybe we
7 need to have a meeting directly with the people from Glad.
8 You've done an outstanding job in representing your
9 client, but maybe we need to talk to somebody directly
10 from Glad.

11 We have certain laws, as you know, that we have
12 to abide by. And so, unfortunately, the law does not
13 provide us with a lot of leeway. I mean, I'd like to
14 further figure out how can we acknowledge the resource
15 reduction at the front end. I mean, there's got to be --
16 at the end of the day, that's what we really want, is we
17 don't want to end up in the landfill. And if you're doing
18 that at the beginning, there has to be a way. And,
19 unfortunately, the law doesn't allow us for that. We
20 should have some kind -- we should be able to figure out
21 something.

22 But maybe what we need to do, we'll have this
23 item, bring it back for September. But in the mean time,
24 maybe we need to have a meeting with some representatives
25 from Glad.

1 Patty, will you set that up?

2 DEPUTY DIRECTOR WOHL: Sure.

3 COMMITTEE MEMBER WASHINGTON: Sue, I want to also
4 ask you, is this a competitive situation? See, that might
5 be a problem, too. Because the ones that they can get is
6 not going to share with them. And I mean, as big as they
7 are, some people don't know everything. And I think we're
8 in a situation to where this is very competitive, and
9 people aren't willing to provide the information so other
10 people can benefit from it.

11 MS. INGLE: The market right now is extremely
12 competitive for linear low density bailed material. It's
13 the number one, I'd say, prime film material that's sought
14 on the market. Plastic lumber manufacturers seek it. The
15 trash bag manufacturers, plastic manufacturers, other
16 plastic products, and overseas markets right now are just
17 salivating for it. It's something that is pricier than
18 the other material. And in order to collect it, it has to
19 be coddled in order to get the prime material without the
20 contaminants.

21 COMMITTEE MEMBER WASHINGTON: And I think, Madam
22 Chair, that's really my concern here, is to make sure we
23 make every effort to help these folks. Because, I mean,
24 given, you know, these folks do a lot of trash bags in the
25 state of California, we want to do whatever we can to help

1 them.

2 CHAIRPERSON MARIN: I'm sure we purchase a lot of
3 them. We, meaning the State.

4 Okay. Ms. Nelson, we will bring this back in
5 September. We'll set that meeting up with the
6 representatives from Glad. And we'll move to the next
7 item. Thank you very much.

8 The next one will be Resolution 2000-229. And
9 that would be Pactiv Corporation. Kenneth Hinett, tell us
10 why we shouldn't adopt this.

11 MR. HINETT: Good afternoon, Madam Chair.

12 CHAIRPERSON MARIN: Is it a replay of
13 Ms. Nelson's presentation?

14 (Thereupon an overhead presentation was
15 presented as follows.)

16 MR. HINETT: There will be some repetitive
17 issues. And just for your enjoyment, I do have a Power
18 Point presentation, which someone obviously has had many
19 of them in the past. What we'd like to you to you about
20 -- and we will try to fill in some of the answers to the
21 questions you've raised, because they are all valid and
22 appropriate to this discussion.

23 CHAIRPERSON MARIN: He doesn't like Power
24 presentations, just so that you know. He says they take
25 too much time.

1 --o0o--

2 MR. HINETT: What I'd like to do is, first of
3 all, Pactiv is not exactly a word that rolls off your
4 tongue. So I'd like to share a couple of seconds on that.
5 Talk about sustainability, which is appropriate for this
6 Committee. Then talk to the solid waste reduction
7 efforts, and the trash bag exemption.

8 --o0o--

9 MR. HINETT: Pactiv is a major player in the
10 packaging business, and we have eight plants here in
11 California. Hefty is a product name we use, and we make a
12 product called Renew, which is 70 percent recycled trash
13 bag. We make diamond brand molded fiber plates, many
14 other food service and protective packaging products that
15 are distributed institutionally or commercially.

16 --o0o--

17 MR. HINETT: So sustainability, and I'm sure you
18 all understand this definition. But in our sense, we look
19 at this as a very real part of what we do every day. And
20 we focus on it trying to solve today's problems. And many
21 of today's problems are economic. The good news is
22 economic challenges bring benefits to the areas of
23 sustainability and recycling and solid waste reduction,
24 because, frankly, they often go hand in hand.

25 --o0o--

1 MR. HINETT: So we're going to talk about the two
2 key areas that we look at, and what we'll talk about is we
3 use 99.9 percent of all the plastic we purchase back in
4 our process. So we, as a manufacturer, do not send
5 literally anything to the landfill in that sense. For our
6 molded fiber products, we purchase 91,000 tons of
7 postconsumer recycled paper, 10,600 tons here in
8 California.

9 Continuing the sustainability issue, because
10 plastics people are often associated with energy, we
11 reduced our energy by 4.3 percent and 16 percent in gas.

12 And then we go down to purchasing the
13 postconsumer recycled material for our bags as it becomes
14 available.

15 --o0o--

16 MR. HINETT: So let's talk about the trash bags
17 and try to answer a few of the questions that you have
18 raised already.

19 Linear low density polyethylene trash bags are
20 very specific to the consumer market. A lot of people
21 sell trash bags into the institutional market which,
22 again, is regulated by this law, but it does not drive
23 what the consumer wants. The consumer does not want the
24 thin flimsy bag, because they believe the bottom will fall
25 out. And, therefore, the consumer market is almost

1 exclusively more than seven-tenths thick.

2 --o0o--

3 MR. HINETT: The consumer market -- if we just go
4 back, please.

5 --o0o--

6 MR. HINETT: If the consumer market were to use
7 high density, then there would be a lot more opportunities
8 for us to procure the film and the recycle that we need to
9 make our products. But we are exclusively limited to low
10 density.

11 Now let me talk a little bit about that. The
12 plastic wood folks in the last ten years have gone from
13 zero to 200,000 tons of recycled plastics. And, oh, by
14 the way, linear low density is their prime product,
15 because it makes their process run very easy. It's a very
16 strong proponent in their product, and it helps them a
17 lot. So they've made the market for their product very
18 difficult.

19 We've been in the business of recycling a long
20 time. We have a complete rewash facility, as your staff's
21 pointed out. And, yet, we can no longer procure stretch
22 film in the amount that we require.

23 Because we produce most of our products in
24 Illinois, we have obviously transportation barriers
25 because, again, being a publicly traded company, we're

1 obligated to provide profits and returns to our
2 shareholders. So, therefore, we do have to maintain a
3 competitive profile. And the economic situation in the
4 market doesn't always allow that.

5 We sell all our bags with the same amount of PCM
6 content where they will be allowed to have it in. Some
7 bags can't take any PCM because the process is so
8 sensitive. But the ones that we do, we make them the same
9 for everybody. So we don't differentiate for California
10 over the rest of the country.

11 Sixty percent of our bags are white. Half of the
12 recycle that is available is black, maybe more. So it
13 provides tremendous limits to what we can put into that
14 product.

15 We'll talk about Renew. We introduced this
16 recycled product in 2003. We thought it was part of our
17 obligation to put in a recycled product into the
18 marketplace. It has 70 percent recycled, of which 45
19 percent of PCP. The sales are miserably declining.
20 Consumers will not buy a product that says it has recycled
21 content on a regular ongoing basis, unless it is
22 significantly cheaper. So we're learning our lesson on
23 that. Very difficult lesson to learn, but that is what
24 the marketplace demands. In fact, it's so small that that
25 product line is at risk of being taken off the market for

1 that reason.

2 Next slide, please.

3 --o0o--

4 MR. HINETT: So what did we do? We were
5 obligated to do a good faith effort. And over the last
6 four years, we've done a lot. We identified that we
7 needed to upgrade our process because, again, recycables
8 are becoming more and more difficult to run, and running
9 recycle in a blown filum application is much different
10 than injection molding or plastic wood operation. Because
11 if you had a very thin product at a high speed, and when
12 you blow it up, the slightest imperfection, you lose the
13 bubble, your line is down 20, 30, 40 percent of the time
14 and you're generating more recycle. We did all that.

15 We collected PCR samples from our suppliers in
16 2003. We've worked very extensively with the Board and
17 put in significant hours trying to establish
18 specifications and a supplier chain we could all work with
19 to the mutual benefit of all. We supported the work with
20 Joe Green from Chico and the PCM suppliers. He came to
21 our facility. We established the guides. We finished our
22 upgrades in 2004. We've continued to work with the Board,
23 continued to seek vendors. And all the same, we've worked
24 with the Board again in their subgroups, which is still
25 ongoing. And this year, we're still continuing to do

1 those activities. So we believe this is really a good
2 faith effort. We've put a lot of money and time and
3 resources into making sure that we stayed aware of what
4 was going on and we contributed our technical expertise as
5 we could.

6 --o0o--

7 MR. HINETT: So the trash bag exemption. In
8 2004, we made 19 calls and one visit. It resulted in 130
9 tons of product. Why is that? You identified it. It's a
10 very competitive marketplace. The people who can make it
11 a little dirtier, the recyclers can make the same amount
12 of money on that than trying to reprocess it to this high
13 level of specification we would need for a blown film
14 line.

15 So it's a better market. It's a faster market.
16 They get their cash in their hand very quickly in that
17 process. Whereas, with us, they ship it to us. We test
18 it. We try it. If it doesn't work, we ask them to take
19 it back or we try to dispose of it into another area. It
20 is challenging.

21 So this year we've recognized that 19 calls was
22 maybe less than we would like. But those were 19
23 different phone calls spread over 12 months. So we've
24 been making more calls this year. Well, the sorry news is
25 the supply is going down. And as the staff has pointed

1 out, from 2003 to 2004, the supply continues to dwindle.

2 The plastic wood market is growing at 30 percent
3 a year. It's a huge vacuum. The foreign markets in
4 Indian and China, until they get resin plants up, they
5 need every scrap of plastic they can get their hands on,
6 and they're able to sort it at very low rates of costs and
7 use it in products they ship back to us. It's a very
8 challenging environment we live in today.

9 The recyclers today, though, have the best
10 opportunity ever. With resin prices as high as they are,
11 anybody who can use recycle to supplement and offset some
12 virgin resin is really going to do very well. And if you
13 have a process that's forgiving, it's the best time to be
14 in the recycle business. But they're not surviving.

15 --o0o--

16 MR. HINETT: Just a few examples of what we see
17 in products, just so you understand. Here was one. It
18 was a very grainy product, had a lot of impurities. And
19 we determined it not to be usable. But you can see it was
20 black and green and gray, and there was a lot of
21 variations. That's what people are offering as PCR back
22 to us.

23 Next slide.

24 --o0o--

25 MR. HINETT: Now here's one that was usable.

1 Again, you can still see the color variation, and you can
2 see it's kind of gray. So we blend it down, and we'll
3 keep it, if we can, in the colored bags as opposed to the
4 white.

5 Next slide.

6 --o0o--

7 MR. HINETT: This one, which is white and yellow
8 and looks on the surface to be very good and tested out on
9 our lab extruder to be fine, and I'm sure it ran fine in
10 the plant eventually, but, again, you can see there's no
11 easy way for a recycler or anyone else to look at resin
12 and decide if it works or doesn't work.

13 Next slide.

14 --o0o--

15 MR. HINETT: So our search for suppliers, we have
16 been actively searching inside and outside. And, frankly,
17 the stretch filum market, the stretch filum people are
18 obviously trying to recycle their own products and often
19 tie up their customers with stretch filum. We have a few,
20 and we're continuing to search for more.

21 We've clarified the Waste Board's specifications.
22 We didn't get anything out of that. We didn't get any
23 additional vendors willing. In fact, a test was set up.
24 People were going to go and run a test at a vendor's
25 place. They refused to test the material. We set up long

1 term contracts with suppliers. We got no additional PCR.

2 We did communicate back to the vendors. We did
3 provide the communications, the fax notes back and forth,
4 and we provided the record of the phone conversations we
5 had. But as you can see, PCM declined overall in usage in
6 total. And I believe that trend will continue.

7 But the good news of that is that that product is
8 going somewhere and not going into the waste stream. That
9 is the good news. The overall reduction, plastic lumber
10 has a much longer life cycle, obviously, than a trash bag.
11 Those things are really drawing that product. And what's
12 going off shore, I don't know what products it's coming
13 back in. But, again, the good news is it is going
14 somewhere else.

15 As to the 1.7 million tons of filum that's in the
16 landfill, I've never seen it differentiated how much is
17 LD, how much is HD, how much is polypropylene, snack food
18 bags, and things like that, because it's all lumped into
19 that sheet and filum category. So I would suggest to you
20 there's very little linear low density polyethylene and
21 much more high density, because the commercial
22 institutional waste bag market is much larger than the
23 consumer waste bag market.

24 Appreciate your time. And I'll answer any
25 questions we possibly can.

1 CHAIRPERSON MARIN: I'm sure we have some
2 questions. And the dilemmas for our Board, as I explained
3 it before, is that there is this law there that says and
4 mandates the specific requirements. And we're not the one
5 that created the law. It was all his fault. He used to
6 be a legislator. So I don't know why you did that when
7 you were there.

8 So the challenge for us is that the law is there.
9 And until that law changes, and I don't know when that
10 will be, we have to account for that. So especially with
11 plastic lumber experiencing the growth that it has -- and
12 I perceive that it will grow even more -- it poses a
13 challenge of supply. It really does. It helps us in the
14 sense that that is not ending up in the landfill. But
15 because the law specifically affects you and people like
16 your company, we're at a dilemma. It's difficult for us.
17 I don't know whether -- and I don't recall whether they
18 provided specific information as to the contacts. Did
19 they do that?

20 MS. INGLE: We received a sheet with the contacts
21 they provided. And of the eleven that were contacted,
22 five of them were contacted in June. So that begs the
23 other remaining six were contacted in eleven months.

24 SUPERVISOR LEAON: Madam Chair, just to follow up
25 on Sue's comment.

1 I guess the question is on the reasonable
2 efforts. Is eleven contacts throughout the year really
3 reasonable efforts? And staff's recommendation or
4 determination is we don't believe that represents a
5 reasonable effort to contact a few suppliers in one month.
6 And their strategy focused on using the pellets. But
7 Pactiv, I believe -- at least they did last year -- had
8 the ability to process bailed material as well.

9 I'd also point out that there is a provision in
10 the law that provides 20 percent credit for the use of
11 California material. So by sourcing the material out of
12 California, they would actually reduce the amount of
13 tonnage that they would need to comply with this law.

14 And I'd also like to point out that, again, in
15 our conversations with suppliers, you know, they want this
16 business. They have informed us that they feel they can
17 meet the quantity. And the question really comes down to
18 the quality issue. And they would like to continue to
19 work with the manufacturers on those issues.

20 But, certainly, there is a lot of material in the
21 landfill. I believe we have on trash bags the number is
22 about 400,000 tons of trash bags going into California
23 landfills. So we only need 3,000 tons of linear low
24 density.

25 CHAIRPERSON MARIN: That's all we need?

1 SUPERVISOR LEAON: For five of these
2 manufacturers to comply.

3 CHAIRPERSON MARIN: I want to -- before I
4 recognize Ms. Peace and then Mr. Washington.

5 You do understand what we're after is something
6 very simple. And maybe you haven't done a very good job
7 at letting us know your good faith effort. For example, I
8 can see where staff says, well, they made eleven contacts,
9 but six of them were just last month or the month before.
10 So it was the time is running out, we need to make these
11 calls. You see what I'm saying?

12 MR. HINETT: Could I address that?

13 CHAIRPERSON MARIN: It's a matter of image here.

14 MR. HINETT: Could I address that issue?

15 CHAIRPERSON MARIN: Do you have someone dedicated
16 to doing some of this?

17 MR. HINETT: Let me tell you the data
18 specifically to 2004. We did place 19 inquiries. Twelve
19 of those inquiries were last June when this Board raised
20 the whole exemption and gave us direction they wanted
21 documentation. That's when we started the whole
22 documentation process and we upped our documentation to
23 that effect so that we could respond appropriately this
24 year.

25 CHAIRPERSON MARIN: That was last month.

1 MR. HINETT: June of 2004.

2 CHAIRPERSON MARIN: When did the law go into
3 effect? Because these requirements have been part of the
4 law; right?

5 SUPERVISOR LEAON: This law has been in effect
6 since 1992.

7 COMMITTEE MEMBER WASHINGTON: This was in effect
8 before I went to the Legislature.

9 CHAIRPERSON MARIN: You see what I'm saying? So
10 somebody either didn't communicate that well to you or
11 maybe you guys didn't know. But the requirements of
12 documentation and showing a good faith effort and so forth
13 has been there, right?

14 MS. HANSON: Madam Chair, Laurie Hanson
15 representing Pactiv. I have a little bit more history on
16 this than Mr. Hinett on this in the last ten years.

17 I believe the staff can't disagree with the
18 statement that as more companies ask for more exemptions
19 beginning in 1999, 2000, 2001, it was not until 2004 after
20 the trash bag workshop that we actually were requested to
21 present the documentation that you have today that you've
22 asked for. And I don't recall that the documentation
23 requests exactly were spelled out in the legislation.

24 And beginning for Pactiv in 2004, last year in
25 June, we began to provide to you were the documentation.

1 We were lax last year, because it was the first year we
2 actually had to provide it. And I believe your staff
3 attorney can confirm we went through quite a process last
4 year of putting all this together. We were wrong last
5 year. We did not provide enough information last year.
6 And subsequent to that, we collected it, put it together,
7 and made sure for this year we had already initiated that
8 process.

9 But when we talk about the law being passed in
10 1992, I don't believe it's a fair jump to say that the
11 companies like Pactiv or any of the others expected to
12 have to provide you with this documentation beginning in
13 1992.

14 CHAIRPERSON MARIN: Well, the law says good faith
15 effort. So you're suggesting that we made up what a good
16 faith effort would mean? Is that something --

17 MS. HANSON: I'm not suggesting that at all.
18 However, there were many amendments to the law subsequent
19 to 1992.

20 CHAIRPERSON MARIN: I think the point is that --
21 you know, I appreciate the tremendous amount of work that
22 all of this is. And oftentimes this is a journey we have
23 to walk together. The law says we need to do X, and maybe
24 we define how we're going to walk down this path. I
25 appreciate the effort.

1 And I think that oftentimes this Board has shown
2 an incredible generosity toward any and all if we just see
3 that you're, in fact, doing what we perceive to be good
4 faith effort. It is possible that at least some of our
5 members of our staff may perceive that that is not the
6 case right now. And so I'm not saying that you're not
7 doing it. Because you may be thinking what you are doing
8 is everything you can possibly do. But it is not coming
9 across. Maybe what we need to do is do the same thing
10 that we offered Glad Company. Maybe we need to sit down
11 and really experience your good faith effort.

12 MR. HINETT: Well, I would suggest we ask the
13 Board staff to accompany us with dealing with these
14 vendors and have them tell us and them at the same time.

15 CHAIRPERSON MARIN: We might actually do that.
16 That's something for us to sit down and analyze, because
17 we really want compliance. I mean, after all, that's what
18 we -- we will be able to go to the Legislature and say,
19 "I'm sorry. We can't do this. You're asking us to do the
20 impossible."

21 But unless we have that opportunity to work
22 together directly with you, we may not be able to go back
23 to the Legislature and say, "What you're asking us is not
24 feasible." And I don't know that we can do that,
25 especially when, in fact, other manufacturers are doing

1 that. You understand my position?

2 MR. HINETT: I understand the direction. But I
3 need to point out that not all manufacturers and not all
4 processes, not all products are the same. So we all have
5 our independent challenges. And although some of it
6 sounds --

7 CHAIRPERSON MARIN: It's competitive, too.

8 MR. HINETT: It's very competitive. It's not the
9 same. So each case has to be weighed on its own merits.
10 We would suggest we have made a very good faith effort.
11 We have been very cooperative with the staff. We've tried
12 to do everything we can to improve the availability of
13 this product out of the state of California.

14 But our success is shown in the numbers. It's
15 not very good. And the future doesn't look to be holding
16 anything brighter for us, unfortunately, is the point I'm
17 trying to make. So unless we can do something
18 differently -- I know it's only a few tons, but there's
19 not that much linear low density being put into the
20 marketplace that isn't sucked up by the plastic wood guys,
21 would be my contention today.

22 CHAIRPERSON MARIN: Mr. Hinett, let me have Ms.
23 Peace and then Mr. Washington, they have questions.

24 COMMITTEE MEMBER PEACE: Here on this agenda item
25 it says that Pactiv's 2003 exemption request is based on

1 proposed changes to its manufacturing process that would
2 take effect during the 2004 certification period. And
3 this change was supposed to have allowed Pactiv to accept
4 a greater range of postconsumer material. But, yet, you
5 used less. Can you tell me what happened and why you
6 didn't --

7 MR. HINETT: We did improve the process, but we
8 haven't been able to find the material. We have a process
9 that's more tolerant of a broader range of PCR today than
10 it was two years ago. So we could run a broader range,
11 but we haven't found the availability that suggests we can
12 bring it in and use it. It's just not -- doesn't appear
13 to be there.

14 COMMITTEE MEMBER PEACE: On the one hand, you
15 feel bad -- but I guess it's good news the plastic lumber
16 people are taking so much of the good plastic that these
17 other manufacturers can't successfully compete for it.
18 But if that's true, then why is there still like 1.9
19 million tons of film plastic going into our landfills?

20 And, you know, I know many people, including
21 myself, would really like to see a comprehensive and
22 sensible approach to plastics recycling. Hopefully, a
23 revision to the statute that might make more sense. But I
24 don't personally want to undermine what we have here as we
25 carry out our role here at the Board. And just because

1 the law may change is not a reason to ignore it either.

2 And the fact is there are companies out there
3 that have complied. So I'm wondering if we give
4 exemptions to Glad and Pactiv, what does that say to the
5 companies that have made the effort that have complied?
6 What does that say to them? That they've done the effort
7 to comply, and then we gave the other ones that haven't an
8 exemption.

9 MR. HINETT: My understanding is the reason we're
10 asking for an exemption is the law does provide it because
11 of quality and other things that doesn't allow you to
12 reach that level. And that's the basis on which we're
13 making the request, is we have not been able to find the
14 quality of resin, nor have some of the other folks running
15 our process and our products.

16 CHAIRPERSON MARIN: Mr. Washington.

17 COMMITTEE MEMBER WASHINGTON: Just very briefly,
18 this is another issue where I would -- I mean, in good
19 faith knowing the history of this when I came to this
20 Board, that I couldn't honestly sit here and tell you I
21 can support putting them on another compliance, because I
22 remember the request I made when I heard this issue three
23 years ago with the same issues.

24 I know, Ms. Peace, it's tough. But we do have a
25 response, because we just sit here and we gave out almost

1 50 SB10s to local governments, but then we have a thousand
2 local governments and city and counties, and there's
3 others who have met the requirements. So I don't think
4 it's an issue about what people think about this Board,
5 because we vote every single time we have Board meetings
6 on things some people have done, others haven't. And
7 we've given them an opportunity to fix the problem.

8 I just think we have a situation where we need to
9 sit down with these companies to really fix this thing.
10 It's a competitive process. It's a situation to where if
11 we don't really come together and fix this, we're going to
12 always be here in this situation. And Boards after we've
13 gone will be dealing with the same thing, because this is
14 competitive. Whenever you're in a competitive situation,
15 then we, the Board, have to make sure that we help these
16 folks -- I'm not willing to put people out of business
17 because they can't get ahold of something because it's
18 competitive. I mean, if we can help their situation and
19 help these folks go forward, then I think we should be
20 doing that.

21 And I know staff don't have a problem with it. I
22 know every one of these guys sitting here before us, and
23 they'll do anything they can to help out. And I think
24 that effort for us to help these folks get to those folks
25 to provide the information for them has to be there. And

1 again, you know, it's a tough situation. But, I mean, you
2 know, in good conscious, I can't support the idea of
3 putting these people on another compliance when they have
4 made all these efforts to try to do something about the
5 situation. It's tough.

6 CHAIRPERSON MARIN: Thank you, Mr. Washington.

7 We have a situation here where we may have to go
8 to the Board. We have a very unusual situation in our
9 Board right now. We only have a four-member Board.

10 So let me try to -- I don't know yet how you will
11 vote on this. But maybe what I need to do is take a vote
12 first and I should -- so I'm wondering whether we are
13 satisfied and if they can just provide us -- are we
14 satisfied that they provided some of the contacts and
15 what -- no, we're not. We are not satisfied with that;
16 right?

17 SUPERVISOR LEAON: We feel their documentation
18 didn't substantiate reasonable efforts. But their
19 submittal was very well organized, very well put together.
20 But it's really your determination. Staff's
21 recommendation is that they didn't make reasonable
22 efforts.

23 COMMITTEE MEMBER WASHINGTON: They did or didn't?

24 SUPERVISOR LEAON: Did not.

25 CHAIRPERSON MARIN: If we were to do the same

1 thing that we did, if we were to extend the courtesy we
2 did to Glad, do you think they might be able to provide
3 more documentation on their efforts?

4 SUPERVISOR LEAON: We would certainly be willing
5 to sit down with them and review whatever additional
6 material they would like to supply.

7 CHAIRPERSON MARIN: Do you think that you have
8 any more information that you could provide us regarding
9 the documentation of your efforts?

10 MR. HINETT: I don't believe we have any more
11 documentation. We provided the phone list. We provided
12 copies of the faxes. We provided copies of the feedback
13 we gave to the vendors. I think we've supplied everything
14 that was requested that we had available.

15 CHAIRPERSON MARIN: Do you want to say something?

16 COMMITTEE MEMBER PEACE: Mr. Scott Smithline, can
17 I put you on the spot? You came up here to testify for
18 Poly-America saying they've done a good job and that we
19 should go ahead and grant them their exemption. You
20 didn't speak on behalf of anybody else. Do you know about
21 anyone else's situation?

22 MR. SMITHLINE: Board Member Peace, typically,
23 Californians Against Waste does go through and look at all
24 the individual companies and make some sort of assessment
25 whether or not we would support an exemption. We actually

1 haven't done that this year, and that is why I formatted
2 my testimony the way I did.

3 CHAIRPERSON MARIN: Thank you.

4 Yes.

5 SUPERVISOR LEAON: This is Mike Leao.

6 I just want to respond to a couple of issues.
7 Last year when the Board considered these exemption
8 requests, these companies did represent to the Board that
9 they were going to be taking various compliance
10 strategies. And they anticipated that those compliance
11 strategies would result in increased use of postconsumer
12 material. And this year we looked at three things. Did
13 they increase their use? Did they document that they made
14 reasonable efforts? And did they follow through on their
15 commitments from last year? And, again, I have to say
16 that we feel only Poly-America met their commitments that
17 they made to the Board last year. And based on our
18 contacts with suppliers, again, we have to question
19 whether or not reasonable efforts were made based on
20 suppliers telling us they have material available.

21 CHAIRPERSON MARIN: Okay. Well, that's what's
22 before us. Unless there are any other questions, I will
23 entertain a motion to adopt Resolution 229 or not adopt
24 Resolution 229 and have Pactiv consider them to be in
25 compliance.

1 DEPUTY DIRECTOR WOHL: I think you actually adopt
2 2000 -- or 229 revised for Option 1, if you wanted to
3 not -- you wanted to give them their exemption. But right
4 now, 229, as is, is not giving them an exemption. So you
5 need to --

6 CHAIRPERSON: So what is the pleasure of this
7 Committee to go to a recommendation to the Board?

8 There is no pleasure of this Committee.

9 COMMITTEE MEMBER PEACE: Let me ask staff, so we
10 have all these other companies that have complied. Do you
11 feel like if we go ahead and give all these other
12 companies an exemption for not complying that that
13 discourages them from wanting to comply with the law if
14 they say, "Well, gosh. We can not comply with the law and
15 still get an exemption"?

16 SUPERVISOR LEAON: Yes. I definitely think it
17 sends the wrong message to companies that are making
18 efforts and are complying with the law.

19 And getting back to an earlier comment, the
20 exemptions started coming in in 1999. We first took a
21 look at this in the 2003 certification which covered the
22 2002 reporting period. And we made it clear at that time
23 that we intend to really look closely at these exemption
24 requests and companies had to document their reasonable
25 efforts. We followed that up in the 2004 certifications

1 with a workshop bringing the manufacturers and suppliers
2 together.

3 And for this certification, we really expected
4 that we would see progress. Maybe not compliance, but
5 progress in the amount of postconsumer material that these
6 companies were able to use. And Poly did that and the
7 others did not. I think there's a real clear dividing
8 line there.

9 CHAIRPERSON MARIN: Okay.

10 COMMITTEE MEMBER PEACE: I'm willing to move
11 Resolution 2005-229.

12 CHAIRPERSON MARIN: Well, there's a motion.

13 Dies for lack of second.

14 Is there another motion?

15 COMMITTEE MEMBER WASHINGTON: I'd like to move
16 adoption of Resolution 2005-229, Option 2.

17 DEPUTY DIRECTOR WOHL: Option 1.

18 COMMITTEE MEMBER WASHINGTON: Option 1.

19 DEPUTY DIRECTOR WOHL: It would be revised and
20 you want Option 1, which would give them their exemption.

21 COMMITTEE MEMBER WASHINGTON: My correction.
22 Option 1.

23 CHAIRPERSON MARIN: I will second the motion.

24 And call the roll.

25 EXECUTIVE ASSISTANT BAKULICH: Peace?

1 COMMITTEE MEMBER PEACE: No.

2 EXECUTIVE ASSISTANT BAKULICH: Washington?

3 COMMITTEE MEMBER WASHINGTON: Aye.

4 EXECUTIVE ASSISTANT BAKULICH: Marin?

5 CHAIRPERSON MARIN: Aye.

6 Okay. This puts us in a very -- it goes to the
7 Board, but the Board day, we need to have four votes.
8 Unfortunately, our Board now only has four Board members.
9 If we do not have the four members, we cannot adopt. And
10 they become in limbo; right? Because we're not adopting
11 any particular position so --

12 DEPUTY DIRECTOR WOHL: Actually, then they do not
13 get an exemption.

14 STAFF COUNSEL BORZELLERI: And they would be
15 considered non-compliant and need to go on the
16 non-compliant list.

17 CHAIRPERSON MARIN: Why?

18 STAFF COUNSEL BORZELLERI: Because to comply,
19 they need to submit a certification that shows they met
20 the requirements.

21 CHAIRPERSON MARIN: Okay. What I will do then,
22 I'm going to move this item. I want to withdraw my second
23 to your motion, and I hope you withdraw your motion. And
24 we'll just bring this item in September.

25 COMMITTEE MEMBER WASHINGTON: I'll withdraw my

1 motion.

2 Madam Chairman, can I just add, because I don't
3 want to leave this item without making it clear to Ms.
4 Peace, it's not so much of the perception that we send.
5 Because, again, we just sent out of this Committee almost
6 45 -- and I can't remember. I'm making up a number here,
7 but I know it was a lot of them because we've been here
8 all day -- SB1066s. There's a lot of cities that have met
9 the requirement. They can say the same thing. There's
10 others that have come forward before this Board and they
11 asked for SB1066s who will say the same thing, "Why do we
12 have to do it when the Board is going to issue us an
13 SB1066?"

14 COMMITTEE MEMBER PEACE: All the SB1066s that we
15 approved, that was with staff's recommendation that we
16 approve them. This is staff's recommendation that we
17 don't grant them.

18 COMMITTEE MEMBER WASHINGTON: I'm not talking --
19 I'm just saying in terms of perception.

20 COMMITTEE MEMBER PEACE: I'm supporting staff.

21 COMMITTEE MEMBER WASHINGTON: All right. That's
22 fine.

23 CHAIRPERSON MARIN: And that's why we have four
24 different members. Sometimes we agree with staff
25 individually, and sometimes we don't individually. And we

1 love them just the same, each and every one of them.

2 CHAIRPERSON MARIN: We'll bring it back in
3 September also.

4 Pete Price from Poly-America is here.

5 COMMITTEE MEMBER WASHINGTON: He might not want
6 to talk. He has your approval.

7 CHAIRPERSON MARIN: He's going to now sit down.

8 MR. PRICE: I'm Pete Price representing
9 Poly-America, and I'm very tempted to make a few comments,
10 but I know the rule, to sit down and shut up when things
11 look like they're going okay.

12 I want to say on behalf of Poly-America, we
13 appreciate the staff's recommendation to grant the
14 exemption. We think we have done hard work to use as much
15 recycled content as we can. And I think I'll leave it at
16 that and am available for questions.

17 CHAIRPERSON MARIN: That's a good thing to do.

18 Is there a motion to approve Resolution 2005-230?

19 COMMITTEE MEMBER WASHINGTON: So moved, Madam
20 Chair.

21 CHAIRPERSON MARIN: Moved.

22 COMMITTEE MEMBER PEACE: Second.

23 CHAIRPERSON MARIN: Moved and second. Without
24 objection, we will substitute the previous roll. Thank
25 you. And move this one in particular on consent.

1 DEPUTY DIRECTOR WOHL: I think you don't want to
2 do previous roll because --

3 CHAIRPERSON MARIN: We didn't take a vote. So
4 the previous one stands. We didn't. We withdrew our
5 motion.

6 COMMITTEE MEMBER WASHINGTON: So we need to take
7 a vote on this.

8 CHIEF COUNSEL CARTER: Madam Chair, it might be
9 cleaner for the record if you take a vote.

10 CHAIRPERSON MARIN: Okay. Let's vote.

11 EXECUTIVE ASSISTANT BAKULICH: Peace?

12 COMMITTEE MEMBER PEACE: Aye.

13 EXECUTIVE ASSISTANT BAKULICH: Washington?

14 COMMITTEE MEMBER WASHINGTON: Aye.

15 EXECUTIVE ASSISTANT BAKULICH: Marin?

16 CHAIRPERSON MARIN: Aye.

17 Okay. This was nice. The next one is 231, and
18 this one is to find Trans Western Polymers not compliant.

19 COMMITTEE MEMBER WASHINGTON: Yeah. They have a
20 problem. Are they here?

21 CHAIRPERSON MARIN: They're the ones that -- is
22 there a motion to adopt --

23 COMMITTEE MEMBER WASHINGTON: I'd like to move
24 adoption of Resolution 2005-231.

25 COMMITTEE MEMBER PEACE: Second.

1 CHAIRPERSON MARIN: Moved and seconded. Without
2 objection, we will substitute the previous roll and put
3 this on consent.

4 The next item is 2005-232. Is that your motion,
5 Mr. Washington?

6 COMMITTEE MEMBER WASHINGTON: Yes, ma'am. I'd
7 like to move adoption of Resolution 2005-232.

8 COMMITTEE MEMBER PEACE: Second.

9 CHAIRPERSON MARIN: Moved and seconded. Without
10 objection, that will be the pleasure of this Committee.
11 And it will go on consent.

12 Okay. Next item.

13 DEPUTY DIRECTOR WOHL: Okay. So just to clarify,
14 so we will bring those three on consent to the full Board,
15 and then the other two will come back in an item in
16 September.

17 CHAIRPERSON MARIN: Correct.

18 DEPUTY DIRECTOR WOHL: The next item is actually
19 out of the Education Office, but I will introduce it for
20 you.

21 MS. INGLE: Excuse me. Did we go through
22 Republic Bag?

23 CHAIRPERSON MARIN: Yeah.

24 And who's this beautiful young lady sitting
25 before you?

1 DEPUTY DIRECTOR WOHL: Let me introduce Item AB,
2 and she's going to present both AB and AC, Consideration
3 of Scope of Work and Allocation for the Education and the
4 Environment Initiative Education Consultant.

5 And you have before you Bonnie Bruce and Joanne
6 Vorhies.

7 CHAIRPERSON MARIN: Two beautiful young ladies.

8 BOARD ADVISOR BRUCE: Madam Chair and Board
9 members, it's, indeed, a pleasure to be here. When I was
10 here in June, we said if the budget holds as we hoped it
11 would, we would be back before you with some agenda items
12 to take a look at how we would like to expend those funds.

13 Before I begin, I think it's important to note
14 that our first agenda item, which is Agenda Item 28, as
15 you all know, we did receive a concern or complaint from
16 the California Association of Professional Scientists.
17 While you've been meeting today, we've also been meeting
18 with their representative, Kristen Haynie. And we've
19 agreed, Ms. Vorhies, myself, Kristen Haynie, we are going
20 to meet tomorrow morning with staff and with the Union and
21 management and try to see if we can't resolve the issues
22 that are out there.

23 I'm confident that we can reach an agreement.
24 And what we'd like to do particularly on the item, I'd
25 like to bring a revised agenda item to the full Board on

1 Tuesday, if that's agreeable with you all.

2 Before I begin a presentation, I do believe you
3 have a speaker. Kristen would like to speak on this
4 particular item. So before I go to Number 29, you
5 probably would like to offer her that opportunity.

6 CHAIRPERSON MARIN: Sure. That would be
7 Ms. Kristen Haynie.

8 MS. HAYNIE: Hi. Kristen Haynie.

9 CHAIRPERSON MARIN: Thank you for taking the
10 time.

11 MS. HAYNIE: Thank you, Chairwoman, for
12 addressing this issue today. And I appreciate your
13 management's and your staff's efforts today. And since
14 the letter was submitted, I have received several phone
15 calls trying to work things out in a short time frame.
16 And, unfortunately, I was informed about it in a rather
17 short time frame, so I appreciate everyone's efforts.

18 We are concerned about ensuring that the IWMS
19 work goes to IWMS. We have been before the Board on
20 occasion when these issues have arisen with contracts.
21 And we appreciate working with the management to ensure
22 that it occurs, because we don't want to have to go
23 through a process of appealing with the State Personnel
24 Board and all that. We'd much rather try to resolve the
25 issues prior to your process of going through the RFP and

1 trying to identify which skills and requirements can be
2 assigned to the scientific staff and then looking more
3 realistically about what would be beneficial as a
4 supplement for the different -- for consulting staff
5 through this contract. So we appreciate that effort.

6 CHAIRPERSON MARIN: So if I understand correctly,
7 you guys are going to be meeting further?

8 BOARD ADVISOR BRUCE: We are.

9 CHAIRPERSON MARIN: Before it comes to the Board
10 completely. Hopefully your concerns will be met.

11 You know, I pride myself and our Board members,
12 we work very, very hard to ensure that if there are
13 legitimate concerns raised, that they are met. If your
14 concern is legitimate, we will address it. There may be
15 some items that cannot be addressed, and that's fine, too.
16 But we have wonderful staff that prides themselves in
17 meeting all of the concerns of our stakeholders. And I
18 don't know if you've been here for a while, but there are
19 very many. We have a very open process. We are very
20 inclusive. This Board has prided itself for a long time
21 in meeting the concerns of the stakeholders. And
22 sometimes we don't agree on all of them, but that's okay.
23 But we do appreciate your concerns.

24 MS. HAYNIE: I think you're right as far as the
25 staff is excellent staff in OEE, and that's the main

1 objective for that staff, is that the organization here
2 always talks about sustainability. And they want to make
3 sure that that process also happens with learning and
4 being able to do new projects and be able to have these
5 sustainable experiences that will then be applied to the
6 Board in the future. And that's exactly what their goals
7 and objectives are.

8 CHAIRPERSON MARIN: Good. We really appreciate
9 you taking the time. And if there is any further -- do
10 you need to say anything further?

11 (Thereupon an overhead presentation was
12 presented as follows.)

13 BOARD ADVISOR BRUCE: Well, I plan to make a
14 further presentation. But we couldn't agree more with our
15 goals or that the office is to be the vehicle for the
16 sustainability of this project as well. So hopefully
17 tomorrow's meeting will bring those achieved results.

18 I would like to -- this presentation was going to
19 be an overview for you as a Committee so you can see where
20 we were headed. So if there are some areas that hinge a
21 little bit on the item that we just put aside, I hope you
22 would understand I just think it's important that we put
23 this before you.

24 There were many hands in helping to prepare both
25 of these agenda items. And I do want to thank the staff

1 in Administration, our Legal staff. We did work with OE&E
2 and CalEPA, because they are the co-partners in this and
3 also have dual leadership over OE&O.

4 This is, indeed, an exciting chapter for
5 environmental education in the state of California. We
6 started to implement this bill or this initiative over
7 one-and-a-half years ago. It did become very clear to
8 those of us that were at the table -- and as you know,
9 Linda, at that time, Moulton-Patterson assigned me to work
10 50 percent of my workload on this -- that this was a
11 project that was going to cost probably around 25 to \$30
12 million. And I know some of the questions were, how did
13 you come up with that figure? We first went to the
14 Department of Education and said, "Do you have a template?
15 Do you have something we can follow? Do you know how much
16 these things cost?" And the only thing they could really
17 point us to was the Cesar Chavez curriculum, which they
18 said cost a million dollars to create that curriculum for
19 one grade level and one subject.

20 Our charge was kindergarten through 12th grade.
21 It was to cross all subject areas, all major course
22 subject areas. And it was to also integrate not just
23 waste, but air, water, forestry, oceans, you name it. It
24 was there. And so it was a huge challenge, and we knew it
25 was going to be a tremendous workload. We sat down from

1 there, and the initial team really consisted of those
2 people that are named in the bill: CalEPA; Waste Board;
3 Resources. We at that time had Secretary Tamminen that
4 was involved in helping us a little bit and has now moved
5 over to the Governor's office. But we laid out a plan.
6 And so if you'll show the first slide.

7 --o0o--

8 BOARD ADVISOR BRUCE: And I know you've all seen
9 this because this isn't anything new. I think that's
10 what's important to realize. When we laid this out in the
11 beginning, we decided we'd do this through phases and we
12 would, in fact, try to meet the demands of a very
13 aggressive time line that was set forth pretty much
14 through the bill. And so as I reported in June, we had
15 completed phase 1, phase 2, phase 3. We were basically
16 out of money at that point in time in terms of our
17 consultant, who at that point in time came on because
18 there was extra money left over in the DEEL project. So
19 that consultant was asked to continue on into this
20 particular project.

21 We now come to the point where we have a draft of
22 the model curriculum and need to get that model curriculum
23 written. The steps and where we are going to be heading
24 are such that we need to be very cognizant that we've been
25 told by specialists out in the field that it takes about

1 nine months to write a curriculum.

2 Our first attempt is going to be to do the social
3 studies science and social science part of that. We did a
4 teacher survey throughout the state, and it was very clear
5 how we needed to follow and what type of plan we needed to
6 follow.

7 But the important piece here is that so often
8 people look at things and say, "Well, I can develop
9 supplemental material." And a lot of people can. And
10 there is a lot of good supplemental material out there.
11 But our charge is not to develop supplemental material.
12 It is to develop material that teaches to mastery and not
13 to add on to the teacher's already heavy workload, but to
14 show how they can teach the standard using the context of
15 the environment in place of what they can do.

16 And the other critical piece of this, which will
17 make this very relevant to teachers and educators, is that
18 this will be blessed, if you will, by the State Department
19 of Education. This has never been done. And so I wish I
20 could say that I have all the answers. And I feel, you
21 know, being 40 years in education and, you know, advanced
22 degrees in education, you'd think you'd have a lot of
23 those answers. But this is something that's never been
24 done. So we've probably taken a lot of baby steps along
25 the way, because we wanted to do it right.

1 I speak for only myself, but I know there are
2 others like me, who have met with hundreds of educators up
3 and down the state making sure that we do this in such a
4 way that it will get approval by the State Board of
5 Education, but will also meet with what teachers would
6 want in the classroom. And I think that's the marriage
7 that we've been trying to do.

8 --o0o--

9 BOARD ADVISOR BRUCE: If we can look at the next
10 slide, we didn't know about the budget. Sometimes budgets
11 sign on time. I've been here long enough to know budgets
12 don't sign until the end of August. So it was hard to put
13 years with dates.

14 The other piece of that that was hard was that we
15 work off of a fiscal year here, and our schools work off
16 of school calendar years. Usually, traditionally, we can
17 work from a September through June if we want to work with
18 actual kids in the classroom. But we do have a lot of
19 year-round programs. So your school calendar doesn't
20 always mesh with our fiscal calendar, but we're going to
21 try to make those happen.

22 It's important to note our whole goal and what we
23 hope we will come back to you as we go forward in next
24 week would be that we would like to see that as we look at
25 hiring writers to actually begin to write the curriculum

1 that takes the principles and the concepts and follows the
2 model curriculum draft, that we would start with 4th
3 through 6th grade. As that is being developed, we would
4 then move to our next one of K through 3, go down to high
5 school, and then go to 7th and 8th. And the way those
6 were chosen was this is where we have the greatest match
7 with the standards. There's not as many holes. So we
8 have a lot of matches in 4th-6th, not as many matches in
9 7th and 8th. So we wanted to start where the matches
10 were.

11 And part of our other goal from what we've been
12 asked to do is where we see there are holes, and there are
13 some, we've kind of put those aside to say this might be
14 future legislation. Maybe this is something as they take
15 a look at the frame work that they might want to
16 incorporate in the future.

17 We also have plans that -- you don't go out with
18 a curriculum of this magnitude. We're talking 1,053 plus
19 Districts, County Offices of Education. We're talking six
20 million plus children. So we want to also make sure that
21 we do a good field testing, we also do piloting, and we
22 revise where necessary. And, in fact, the bill that is
23 pending approval of all of this, 1721, addresses those
24 very issues of how we come back to the table and work
25 together to make sure that this achieves passage through

1 the State Board of Education.

2 As we're doing all of this, there's a huge
3 outreach component that has already begun. We have seen
4 that as the Office of Education has come to a close on one
5 aspect of their work, they are already beginning to set up
6 a workshop to meet with what's called Creek Coordinators
7 and begin to plan an agenda as to how do we take our new
8 PYs. And I know Ms. Vorhies can address this. How do we
9 reach all of those districts, and how do we reach all of
10 those children? That outreach is going to begin
11 immediately and has already begun and moves forward.

12 There's also a big piece here that both Andrea
13 Lewis and myself, as co-managers, we have started the next
14 piece of going out and working with fundraisers to see how
15 we can now raise those next 10 to \$20 million that will
16 basically take this into the classroom so that we can
17 train 10,000 teachers, that's our goal. We want to train
18 10,000 teachers. On an average, ten educators per
19 district up and down the state. And that would be release
20 time, stipend, training, a lot of work that we want to be
21 able to provide the districts the money. We want to give
22 them the money.

23 So as we move to this next agenda item, which is
24 Agenda Item 29, and what we want to do is look to hire at
25 least 30 writers. So if we can go through a budget

1 process here very quickly.

2 --o0o--

3 BOARD ADVISOR BRUCE: Most of you have seen this,
4 but I know members of the public have not. This began in
5 November of 2003. We actually did not get started until
6 the beginning of 2004, but the bill was actually signed in
7 2003. It's projected this will go through July 2009.

8 We believe that it will take that amount of money
9 to do what we've just said, 1,058 school districts, six
10 million children.

11 Cost to date. We have up to this point in time,
12 we've worked with two consultants in the completion phase
13 of 1, 2, and 3, and we have spent \$493,000 to complete
14 those phases.

15 --o0o--

16 BOARD ADVISOR BRUCE: Our new budget allows for
17 \$7 million over two years. It also gives us five new PYs,
18 and we've been informed that right off the top \$1 million
19 goes to fund those PYs for the next two years.

20 I've been told by our Admin staff that they will
21 be releasing \$2.8 million for the year 2005/2006. And so
22 our proposal -- and we will deal with the consultant issue
23 next Tuesday -- was to put at least -- we figured it would
24 take about 2700 hours, whether it's one consultant -- and
25 I put "consultants," because different consultants have

1 different expertise. And this is going out nationwide.
2 We're asking this to go on a nationwide search to
3 determine who out there can provide us with the best
4 expertise to have the best curriculum that can be written.
5 We have many states that have already said all eyes are on
6 us. We know Pennsylvania right now tends to be the lead
7 in this area, and we're hoping they, too, will be taking a
8 look at what we're doing.

9 Our writers. I have to be honest. I don't know
10 how many people would be willing to commit to doing this
11 at this point in time. I know a lot of writers,
12 educational writers work with the school year. Some might
13 already be engaged. So I don't know that we would have
14 30. But I'd like to say up to 30, because the more we
15 have, the quicker we can put the teams together and begin
16 to do the writing. And I've talked to various districts
17 and asked about various consultant writers they have used,
18 talked to the Department of Ed. And we felt \$75,000 was
19 pretty reasonable. It's not as high as it could go. And
20 it's pretty close to as low as we can go. I wanted to
21 give you the bear bones as we saw it.

22 I put here editors. That is not a part of this
23 scope of work. It's something that we're going to have to
24 consider that we probably would need about eight editors
25 to edit the material as it's coming forward. So basically

1 that pretty much is your first year total as you were to
2 look at it if the figures still were to remain after next
3 Tuesday.

4 --o0o--

5 BOARD ADVISOR BRUCE: Our proposal for Year 2, I
6 really believe that as we look at our fiscal year actually
7 this is going to take us out three years fiscally. But,
8 again, we would look to have a consultant making sure that
9 this is now field tested, piloted, the methodology is
10 correct.

11 We're hoping that we can find a graphic designer
12 in-house. This was a discussion I had with Kristen
13 earlier, was that wherever we can find somebody in-house,
14 obviously that's what we would want to do. So hopefully
15 we can save that \$150,000.

16 We know there's going to be content expert
17 reviewers and instructional reviewers. The \$90,000 is
18 just to provide them a minimal stipend to review this
19 material.

20 Our goal is to field test with 200 teachers. And
21 we feel that we'd have to provide them stipends from four
22 to six hours, which would be about 200,000.

23 The pilot testing is the bigger piece of this
24 because now we're talking about, again, a different 200
25 teachers. But the pilot testing is a much more involved

1 type of testing. And we would have to provide for travel,
2 lodging, review, stipends. And we figure the teacher
3 training on that would probably be about one to two days.
4 And that would be up to \$1 million.

5 The other piece that I didn't mention, but is a
6 bigger piece of this, is the last phase of this -- and we
7 don't need to go back to the original slide -- which I
8 think is important, is there is a testing component in
9 this whereby we will take a look at test scores and be
10 able then, we hope, to solve or make a pretty strong
11 statement as to whether or not this approach helps to
12 raise test scores.

13 We have a lot of information from principals that
14 have come through various programs, one being the JCEC,
15 the Environmentality program that Disneyland puts on. And
16 the testimonials that you hear are just amazing. I know
17 Rosario Marin has had an opportunity to hear those
18 testimonials. And talking about how school districts
19 where, you know, 80 percent are on free lunch. And, yet,
20 this one class that did this project using the environment
21 to teach across all subject lines scored the highest of
22 the entire district in their test scores. Which, you
23 know, you take that type of data and you've got to make it
24 where it passes the mustard scientifically with all the
25 statistics that go through it.

1 This has never been done in the states. And so
2 we're hoping that will be a first. We have a lot of our
3 non-governmental groups that are part of this, our
4 partnership that are really excited about what this next
5 piece could hold for us.

6 We also requested and have received well over 100
7 pieces of information from other groups that have
8 materials. And the question we asked on a self review, do
9 you see this material as supplemental, or do you see it
10 does teach to mastery? So that has been reviewed. And we
11 will be using that as part of what the writers will have
12 in terms of as they move forward. There's also some
13 money -- and I think there's one last slide.

14 --o0o--

15 BOARD ADVISOR BRUCE: That does show that when
16 you -- after I put this on, I thought I probably needed
17 something other than reproduction rights. But we do have
18 to purchase the right to use somebody else's copywrited
19 material. So we put that at about \$75,000.

20 We are charged in the bill to print the material.
21 The State Department of Education is charged with putting
22 it on their website. And so we give you our second year
23 total, much of that not yet in a scope of work for you.

24 It would be our hope that our money saved or
25 moneys left over, we would come back with a revised scope

1 of work for you so we can perhaps put that into the next
2 phase.

3 But with that being said, we would ask that you
4 do look at our writer performing work that we ask them to
5 be doing in terms of creating the actual curriculum. We
6 would be asking these writers to divide into groups. As I
7 mentioned before, each of them would come to Sacramento
8 for a period of a week to be trained and then to do the
9 writing. And, again, we've been told this is probably
10 about a nine-month process.

11 With that, I would be willing address any of your
12 questions that you would have. And we would ask that you
13 look to approve this Resolution. I believe it's
14 Resolution 234.

15 CHAIRPERSON MARIN: Let me ask you this. If we
16 go ahead and approve this, should we just wait until the
17 Board meeting to deal with the two items, or does it
18 matter? Can we deal with one and not the other?

19 BOARD ADVISOR BRUCE: They're separate. We can
20 go out with an RFP for the writers separately than the
21 consultant. So if this is something that you would be
22 willing to go forward on, we would enjoy your fiscal
23 consent. But whatever your pleasure.

24 CHAIRPERSON MARIN: I just want to make sure that
25 Ms. Kristen Haynie has no problem.

1 MS. HAYNIE: There's no questions raised
2 regarding the item AC on the writers contract. And we
3 understand the value of that.

4 CHAIRPERSON MARIN: So you're in agreement with
5 that completely and totally?

6 MS. HAYNIE: Yes. We're just concerned more
7 about the consultant portion and maybe carving out what
8 would be appropriate to divvy out to some consulting but
9 not the entire amount of consulting.

10 CHAIRPERSON MARIN: See how inclusive I am? I
11 wanted to make sure we have your blessing.

12 MS. HAYNIE: Thank you.

13 BOARD ADVISOR BRUCE: She deserves an award
14 today. She sat through the entire meeting.

15 CHAIRPERSON MARIN: We do appreciate it.

16 COMMITTEE MEMBER WASHINGTON: Madam Chair, I'd
17 like to move adoption -- Ms. Peace had questions

18 COMMITTEE MEMBER PEACE: I have questions.

19 CHAIRPERSON MARIN: We only have three more
20 hours, and then we have -- I'm just going to have to close
21 the Committee.

22 COMMITTEE MEMBER PEACE: One question. Here it
23 says this is for 05/06, 06/07. And then when I just look
24 at the little funding source chart, it looks like we're
25 only approving funding for 05/06. Then it says 06/07,

1 zero. I'm just wondering, am I reading something wrong

2 or --

3 BOARD ADVISOR BRUCE: I think what we're asking

4 for is if we can expend all funds now and get the 30

5 writers on board, we'd like to do that and move this

6 forward. However, the fiscal year is such that it's going

7 to end June 30th, and we're going to move into the next

8 fiscal year. So there might be an opportunity that we

9 won't get it all expended in this fiscal year and we have

10 to expend some the following --

11 CHAIRPERSON MARIN: But it would be allocated

12 already --

13 BOARD ADVISOR BRUCE: But it's only one time.

14 We're not going to come back for another 30 writers. It's

15 just the one 30 writers.

16 COMMITTEE MEMBER PEACE: So in this little part

17 where it says, "Integrated Waste Management Account,

18 amount available, 2.55 million. Amount to fund this item,

19 2.55 million." And for 06/07, it says another 2.55

20 million. And then amount to fund this item, zero.

21 BOARD ADVISOR BRUCE: I think --

22 COMMITTEE MEMBER PEACE: Shouldn't that also be

23 2.55 million if we're not going to come back again?

24 CHAIRPERSON MARIN: Do you know what she's

25 looking at?

1 BOARD ADVISOR BRUCE: I'm looking at it right
2 now. Admin sort of helped us out with that. But my
3 feeling is -- unless somebody's here to address that.

4 CHAIRPERSON MARIN: Tom Estes is coming down, our
5 CFO. He knows where all the money is.

6 DEPUTY DIRECTOR ESTES: Tom Estes, Deputy
7 Director, Admin and Finance.

8 Basically, the 2.5 is the money that's available
9 in the current year. That's all we're talking about.

10 Bonnie, if you remember in the Year 2 slides,
11 she's basically giving you a breakdown of what she will
12 bring -- I assume if she has her way, she won't be
13 bringing it. But someone will be bringing forward scopes
14 of work to expense off that remaining amount.

15 BOARD ADVISOR BRUCE: That's correct.

16 COMMITTEE MEMBER PEACE: Where it says this is
17 for scope of work for 05/06 and 06/07, again, we're not
18 spending any money for 06/07. I guess I'm not seeing how
19 this lines up. Usually, wouldn't it say if this was for
20 05/06, 06/07 that we'd be spending money out of 05/06 and
21 out of 06/07?

22 DEPUTY DIRECTOR ESTES: It's basically showing
23 you that the work will continue for into the next fiscal
24 year, but it's being funded out of the current year. So
25 there won't be any funds expended for this item in the

1 next fiscal year.

2 CHAIRPERSON MARIN: I think what is confusing her
3 is on the first column you have it listed twice.

4 COMMITTEE MEMBER PEACE: Amount available, and
5 amount to fund the item, and for 06/07 it says, "Amount
6 available," there's zero to fund the item. So there's
7 still 2.55 --

8 BOARD ADVISOR BRUCE: That's correct. If you
9 look on line number 3 where it says, "Amount to fund this
10 item," we won't be coming back on this particular item,
11 but we will be coming back with other expenses.

12 COMMITTEE MEMBER PEACE: For the same phase 4.

13 BOARD ADVISOR BRUCE: No. For other things like
14 production costs, editing costs, those types of things,
15 that would happen in the next fiscal year.

16 COMMITTEE MEMBER PEACE: And then you explained
17 it says the funds will become available upon chaptering of
18 Assembly Bill 1721.

19 BOARD ADVISOR BRUCE: 1721 is a cleanup bill that
20 was put forth by Assemblywoman Pavely. It's an urgency
21 bill, which means we don't have to wait until January
22 until it is signed. I've been told by her staff that they
23 are assuming it will be signed as soon as the Legislature
24 comes back to session, which could be as early as August
25 15th. That might be a little hopeful.

1 What we're hoping is -- the process, as I've been
2 told, is it takes about two to three weeks to write an
3 RFP, because you've got to be very, very specific in that
4 RFP which you're going out for. And then we want to make
5 sure that we get the very best that's out there. So it's
6 basically going to go out for about a month to six weeks.
7 After that, we want to be ready to go. So if the timing
8 is that -- let's say the bill signs August 15th, we hate
9 to wait until the middle of September. But we have to say
10 pending, because we really cannot expend those funds until
11 that bill is signed.

12 COMMITTEE MEMBER PEACE: The Legislature is
13 authorizing the money from the IWMA --

14 BOARD ADVISOR BRUCE: That's correct.

15 COMMITTEE MEMBER PEACE: All 5.6 million. I
16 guess -- didn't I see somewhere in here you said there was
17 going to be 7 million, the budget was 7 million?

18 BOARD ADVISOR BRUCE: What happens is there is
19 administrative costs that come off the top. There is the
20 amount that goes for the PYs that comes off the top. So
21 we're basically told from Admin how much is going to be
22 allotted that particular time. And what they've told us
23 is we would have 2.8 --

24 COMMITTEE MEMBER PEACE: That's all from the
25 IWMA?

1 BOARD ADVISOR BRUCE: That's correct.

2 COMMITTEE MEMBER PEACE: So all of Phase 4 is
3 going to be funded by the IWMA?

4 BOARD ADVISOR BRUCE: That's correct. And we
5 hope the next phase to complete the project will be funded
6 by private moneys.

7 COMMITTEE MEMBER PEACE: So you expect more money
8 to be coming in from other sources for --

9 BOARD ADVISOR BRUCE: During the budget process,
10 the Legislature was very clear, particularly the Senate
11 members, that all BDOs that are involved in having us
12 write this integrated curriculum are to look very hard at
13 their budgets to come forth. This year \$200,000 of
14 this -- I should say when you said all, \$200,000 of this
15 does come from the Water Board and went into this fund.

16 So we're hoping that everybody took that very
17 seriously and that they, too, will be looking at their
18 funding. As I said, we've been in contact with various
19 foundations who basically, as I've said to you before,
20 they said to us, if, in fact, we see the commitment from
21 the State first, then we're willing to match some of those
22 funds. So we're back now to them saying the State has met
23 their commitment. They lived up to what they said they
24 would do, and now we're hoping we can do the match.

25 COMMITTEE MEMBER PEACE: I think this whole thing

1 is wonderful and you've worked so hard on this. But I
2 have a question I want to ask Tom.

3 For this money that's all coming out of the IWMA,
4 is that just for a pot of money that we have sitting
5 around that we didn't have expenditure authority for, or
6 are there other things that are being cut to pay for this?

7 DEPUTY DIRECTOR ESTES: No. This was basically
8 put forward in the Governor's budget basically coming out
9 of our reserve, and that's how it was being paid for.

10 COMMITTEE MEMBER PEACE: I guess I'm glad we have
11 that money available to do this important work.

12 CHAIRPERSON MARIN: I'm glad you didn't spend it
13 all in previous years when I wasn't here.

14 BOARD ADVISOR BRUCE: My ending comment to you
15 was going to be there is no amount of gratitude that can
16 be expended to this Board. And I will plan to say this
17 Tuesday to all Board members.

18 This is a huge commitment. And very few people
19 would look at the Waste Board as the thought of where do
20 you fund something that has to do with education. And,
21 yet, to all of you to your credit, you did stand up and
22 say -- and, you know, I think it's really telling when we
23 heard -- you know, I, too, heard a lot of the 1066s coming
24 forward today and all of them talking about some of the
25 frustration with working with schools or getting schools

1 on board. And so often we've heard, well, it's maybe only
2 2 percent of the waste stream, and is it worth it? But
3 it's so much more than 2 percent of the waste stream.
4 When working with schools, we're talking now really
5 helping to shape how young people analyze for themselves
6 what is happening in their environment and to be able to
7 learn that and to move forward, what a tremendous legacy
8 that this Board really took, you know, the bull by the
9 horns and said we'll do it.

10 And I want to applaud industry as well, because
11 this is coming out of industry tipping fees. And I know
12 that. And I have spoken to as many players as I could
13 have to thank them for not standing in line here and
14 saying, well, we think maybe that money should go a
15 different way. I think everybody has really acknowledged
16 that this is the way. If we talk about a sustainable goal
17 and what better place maybe to be in Committee than the
18 Sustainability Committee, this is the way we do it. We do
19 it through the young people and we teach young.

20 COMMITTEE MEMBER WASHINGTON: Let me say, Madam
21 Chair, I will certainly save my comments for Tuesday
22 likewise. But I do remember the inception of this when
23 Chair Moulton-Patterson and I sat in the first meeting. I
24 believe it might have been in this room when we had all
25 the stakeholders around the table. And the effort you

1 guys have made to make sure you address every concern,
2 particularly the Union's concern and other individuals you
3 had no idea you were going to run up against at some
4 point, really speaks to the commitment you guys have made.

5 And, Bonnie, I want you to know I'm very, very
6 proud of all the efforts you made. Because I had no clue
7 at the time I was Chair of the Education Committee it
8 would turn out like this this fast. Yourself and
9 Ms. Lewis have done a wonderful job in putting this thing
10 up and taking off with it and moving forward. I'm very,
11 very proud of you guys.

12 COMMITTEE MEMBER PEACE: It did get off to a
13 rocky start and you wonder if you'd ever get everybody on
14 board. And Andrea Lewis and Bonnie, they have done such
15 an incredible job. So everybody's in line and on board.
16 It's fabulous.

17 CHAIRPERSON MARIN: So just for that, we're going
18 to give you two more million dollars.

19 COMMITTEE MEMBER WASHINGTON: I'd like to move
20 adoption of Resolution 2005-234.

21 COMMITTEE MEMBER PEACE: Second.

22 CHAIRPERSON MARIN: That's without the extra \$2
23 million. Thank you.

24 Without objection -- no. Call the roll, please.

25 EXECUTIVE ASSISTANT BAKULICH: Peace?

1 COMMITTEE MEMBER PEACE: Aye.

2 EXECUTIVE ASSISTANT BAKULICH: Washington?

3 COMMITTEE MEMBER WASHINGTON: Aye.

4 EXECUTIVE ASSISTANT BAKULICH: Marin?

5 CHAIRPERSON MARIN: Aye.

6 Thank you, Bonnie. Thank you, Joanne. This is
7 pretty amazing, and we're very, very excited, I think is
8 the word. This will actually go on to fiscal consent so
9 that we don't have to rehash this.

10 We have three more items and then -- there is no
11 more items. Thank you so very much.

12 (Thereupon the California Integrated Waste
13 Management Board, Sustainability and Market
14 Development Committee Adjourned at 4:34 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 23rd day August, 2005.

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